

CHAPTER 1. ADOPTION, PURPOSE AND APPLICABILITY	1
Sec. 101 Title and authority.....	1
101 (a) Title.....	1
101 (b) Authority.....	1
Sec. 102 Adoption.	1
102 (a) Repeal of conflicting laws.....	1
102 (b) Severability.....	1
102 (c) Effective date.....	1
Sec. 103 Purpose and intent.	1
103 (b) Intent in interpretation.	2
103 (c) Intent relative to private property agreements.	2
Sec. 104 General applicability.....	2
104 (a) Lands to which this Code applies.	2
104 (b) Use of land or structures.	2
104 (c) Lot reduction prohibited.....	2
Sec. 105 Exemptions.....	3
105 (a) Previously Issued Permits.	3
105 (b) Governmental Bodies.....	3
Sec. 106 Interpretation.....	3
106 (a) Responsibility for interpretation.	3
106 (b) Use of figures and examples for illustration.	3
106 (c) Use of words and phrases.	3
106 (d) Meaning of words and phrases.....	5
CHAPTER 2. USE OF LAND AND STRUCTURES	7
Sec. 201 Future Land Use Map.	7
201 (a) Official Future Land Use Map adopted.	7
Sec. 202 Amendments to the Future Land Use Plan Map	7
Sec. 203 Character areas; relationship to the Comprehensive Plan	7
203 (a) Restrictions on the land use within Character Areas, Villages and Corridors.	8
Sec. 204 Uses allowed in each character area, village or corridor.	8
204 (a) Allowed principal and accessory uses.	8
204 (b) Restrictions on particular uses.	8
204 (c) Special uses.....	9
Sec. 205 Definitions of land use categories.....	9
205 (a) Agricultural.	9
205 (b) Residential Uses.	9
205 (c) Commercial.....	10
205 (d) Industrial.....	11
205 (e) Public or institutional use.....	11

Sec. 206	Character areas; established	11
206 (b)	Character areas, villages and corridors; descriptions.....	12
206 (c)	Compatibility Standards	12
CHAPTER 3. CHARACTER AREA DESCRIPTIONS.....		13
Sec. 301	Agricultural Preservation	13
301 (a)	Overall Character and Intent.....	13
301 (b)	Guiding Principles	13
301 (c)	Preferred Land Use Pattern Table.....	14
301 (d)	Development Standards	14
301 (e)	Intensive Industrial.....	21212120
Sec. 302	Rural Places	21212120
302 (a)	Description of Overall Character and Intent.....	21212120
302 (b)	Guiding Principles	21212120
302 (c)	Preferred Land use Pattern Table.....	21
302 (d)	Development Standards	22222221
302 (e)	Intensive Industrial.....	28282827
Sec. 303	Residential Growth Area.....	28282827
303 (a)	Description of Overall Character and Intent.....	28282827
303 (b)	Preferred Land Use Pattern Table.....	29292928
Sec. 304	Guiding Principles.....	29292928
304 (b)	Development Standards	30303029
CHAPTER 4. SUMMARY OF VILLAGES AND CORRIDORS		37373736
Sec. 401	Overall Development Standards.....	37373736
401 (a)	Landscaping, Buffers and Tree Conservation.....	37373736
401 (b)	Signage	38383837
401 (c)	Lighting.....	38383837
401 (d)	Parking.....	38383837
Sec. 402	Neighborhood Village Center	38383837
402 (a)	Description of Overall Character and Intent.....	38383837
402 (b)	Preferred Land Use Pattern Table.....	39393938
402 (c)	Development Standards.	39393938
Sec. 403	Community Village Center.....	41414140
403 (a)	Description of Overall Character and Intent.....	41414140
403 (b)	Preferred Land Use Pattern Table.....	41414140
403 (c)	Development Standards.	42414140
Sec. 404	Commerce Corridor.....	43434342
404 (a)	Description of overall Character and Intent.	43434342
404 (b)	Preferred Land Use Pattern Table.....	44444443
404 (c)	Development Standards.	44444443
Sec. 405	Gateway Corridor.....	47474745

405 (a)	Description of Overall Character and Intent.....	47474745
405 (b)	Guiding Principles.	47474745
405 (c)	Preferred Land Use Pattern Table.....	47474745
405 (d)	Development Standards	48484846
CHAPTER 5.	INTENSIVE INDUSTRIAL.....	51515148
Sec. 501	Overall Character and Intent.	51515148
501 (a)	Special Land Use Approval Required.....	51515149
501 (b)	Description of Intensive Industrial Development.	51515149
Sec. 502	Development Guidelines.....	52525250
502 (a)	Minimum Compatibility Standards.....	52525250
CHAPTER 6.	COUNTY WIDE DEVELOPMENT STANDARDS.....	53535351
Sec. 601	“Cottage industries”.....	53535351
Sec. 602	Environmentally hazardous uses.....	53535351
602 (a)	Special use approval required.....	53535351
Sec. 603	Freestanding parking garages, primary or accessory use.....	54545452
Sec. 604	Outdoor Storage.....	54545452
Sec. 605	Parking of Vehicles, Trailers, Boats and Commercial Vehicles.	54545452
Sec. 606	Temporary events.....	54545452
Sec. 607	Timbering and forestry.	55555553
607 (a)	Bona fide agricultural activity.	55555553
607 (b)	Restriction on development approval of recently cleared land.	55555553
CHAPTER 7.	RESTRICTIONS ON SPECIFIC USES.....	57575755
Sec. 701	Agricultural Uses.....	57575755
701 (a)	Sales, lease and repair of heavy equipment.....	57575755
701 (b)	Commercial greenhouses or plan nursery.	57575755
701 (c)	Grape growing and wine distillation, bottling or sale.	57575755
701 (d)	Large animal hospitals and veterinary clinics.	57575755
701 (e)	Livestock Sales	57575755
701 (f)	Tenant Dwellings.....	57575755
Sec. 702	Commercial, neighborhood	58585856
702 (a)	Automotive light repair	58585856
702 (b)	Gasoline stations and convenience stores with fuel pumps.....	58585856
Sec. 703	Commercial, Community.....	58585856
703 (a)	Automotive body, paint, interior and glass repair shops	58585856
703 (b)	Day care center.	59595957
703 (c)	Hotels and Motels.....	59595957
Sec. 704	Commercial, intensive	59595957
704 (a)	Large Places of Assembly.	59595957

704 (b)	Outdoor Recreation.....	59595957
704 (c)	Private ambulance and emergency medical services.....	60606058
704 (d)	Sawmills, permanent, temporary or portable.....	60606058
704 (e)	Self service storage, mini-warehouses.....	61616159
704 (f)	Truck Stops	62626260
Sec. 705	Industrial, light.....	62626260
705 (a)	Warehousing and storage.....	62626260
Sec. 706	Industrial, heavy.....	63636361
706 (a)	Heavy Industrial	63636361
Sec. 707	Industrial, Intensive.	63636361
707 (a)	Salvage, junk and wrecking yards.	63636361
707 (b)	Quarries or mining operations.....	63636361
707 (c)	Waste handling or disposal.....	65656563
Sec. 708	Institutional Uses	68686866
708 (a)	Cemeteries, mausoleums and crematories	68686866
708 (b)	Churches and other places of worship.	69696967
708 (c)	Schools.....	69696967
Sec. 709	Residentially Based Uses.....	70707068
709 (a)	Guesthouses and accessory apartments.....	70707068
709 (b)	Personal care homes.....	70707068
709 (c)	Recreational vehicle and travel trailer parks	71717169
709 (d)	Small Transient Lodging	71717169
Sec. 710	Utility Structures.	71717169
CHAPTER 8. PARKING AND LOADING REQUIREMENTS.....		72727270
Sec. 801	Purpose of Chapter 6.....	72727270
Sec. 802	Definitions related to parking and loading.	72727270
Sec. 803	Off-street parking; when required.	72727270
Sec. 804	Number of parking spaces required.	72727270
804 (a)	Parking for residents, employees, customers and visitors.....	72727270
804 (b)	Parking for company-owned vehicles not included.....	73737371
804 (c)	Maneuvering lanes not considered parking.	73737371
804 (d)	Handicap accessible parking spaces.....	76767674
804 (e)	Dedication to parking use.	77777775
Sec. 805	Shared parking.....	77777775
805 (a)	Shared parking between day and night users.....	77777775
805 (b)	Mixed use developments.....	77777775
805 (c)	Availability of shared spaces.	77777775
805 (d)	Recordation of shared parking agreement.....	77777775
Sec. 806	Proximity of off-street parking spaces to use.	79797977
806 (a)	Location of parking spaces.....	79797977

806 (b)	Off-site parking.	79797977
Sec. 807	Design requirements for parking lots.	80808078
807 (a)	Orientation to street.	80808078
807 (b)	Orientation to driveway.	80808078
807 (c)	Orientation to principal building.	80808078
807 (d)	Minimum parking space size.	80808078
807 (e)	Access and circulation.	80808078
807 (f)	Setback requirements.	83838381
807 (g)	Lighting of parking areas.	83838381
Sec. 808	Improvement of parking areas.	83838381
808 (a)	Surfacing and curbing.	83838381
808 (b)	Maintenance.	84848482
808 (c)	Drainage facilities.	84848482
808 (d)	Permit required.	84848482
808 (e)	Time limit.	84848482
Sec. 809	Landscaping.	84848482
Sec. 810	Commercial vehicle loading.	84848482
810 (a)	Off-street commercial vehicle loading; where required.	84848482
810 (b)	Commercial vehicle loading on public streets.	85858583
CHAPTER 9.	SIGN REGULATIONS.	86868684
Sec. 901	Purpose and intent of Chapter 7.	86868684
901 (a)	Purpose of sign regulation.	86868684
901 (b)	Regulation of signs.	86868684
901 (c)	Intent of sign regulations.	87878785
Sec. 902	Definitions related to sign regulations.	87878785
Sec. 903	Applicability.	91919189
903 (a)	Signs that are regulated.	91919189
903 (b)	Exemptions; general.	91919189
903 (c)	Signs that are exempt from regulation.	91919189
Sec. 904	Prohibited signs.	92929290
904 (a)	Animated and flashing signs.	92929290
904 (b)	Attached and painted signs.	92929290
904 (c)	Banners.	92929290
904 (d)	Dilapidated signs.	92929290
904 (e)	Display of nudity.	92929290
904 (f)	Festoons.	92929290
904 (g)	Inflatable signs.	92929290
904 (h)	Obscene signs.	92929290
904 (i)	Obstructions.	93939391
904 (j)	Portable signs.	93939391
904 (k)	Private signs placed on public property.	93939391

904 (l)	Roof signs.	9393 93 91
904 (m)	Signs imitating public warning or traffic devices.	9393 93 91
904 (n)	Sound or smoke emitting signs.	9393 93 91
904 (o)	Signs advertising illegal activity.	9393 93 91
Sec. 905	General requirements applying to all signs.....	9393 93 91
905 (a)	Conformance to Building Codes.	9393 93 91
905 (b)	Conformance to state law.....	9494 94 92
905 (c)	Sign maintenance.	9494 94 92
905 (d)	Minimum sign setback.....	9494 94 92
905 (e)	Principal freestanding signs; distance between.	9595 95 93
905 (f)	Ground clearance under signs.	9595 95 93
905 (g)	Visibility clearance area.....	9595 95 93
905 (h)	Illuminated signs.	9595 95 93
Sec. 906	Measurement of sign area and height.	9696 96 94
906 (a)	Computation of sign area.	9696 96 94
906 (b)	Measurement of sign height.	9898 98 96
Sec. 907	Permanent signs allowed, by land use category.	9898 98 96
907 (a)	Principal Freestanding Sign—One Use on Property.	9898 98 96
907 (b)	Principal Freestanding Sign—Planned Center.....	9898 98 96
907 (c)	Project entrance signs.	9999 99 97
907 (d)	Building signs.....	9999 99 97
907 (e)	Automatic changeable copy signs.	9999 99 97
907 (f)	Master planned development.	9999 99 97
Sec. 908	Other permanent signs allowed.	102102 102 100
908 (a)	Miscellaneous freestanding signs.	102102 102 100
908 (b)	Private and public recreational signs.	102102 102 100
Sec. 909	Temporary signs.....	102102 102 100
909 (a)	Official or personal flag.	102102 102 100
909 (b)	Election-cycle signs.	103103 103 101
909 (c)	Short duration temporary signs.....	104104 104 102
909 (d)	Long duration temporary signs.	104104 104 102
909 (e)	Portable signs, banners and festoons.....	105105 105 103
909 (f)	Construction signs.	106106 106 104
Sec. 910	Sign permits.....	107107 107 105
910 (a)	Sign permits; when required.	107107 107 105
910 (b)	Sign permits; exemptions.....	107107 107 105
910 (c)	Multi-Tenant Nonresidential Projects.	108108 108 106
910 (d)	Issuance of a sign permit.	108108 108 106
Sec. 911	Modifications to sign restrictions.....	110110 110 108
911 (a)	Requests for modifications.....	110110 110 108
911 (b)	Uniform sign plan required.....	110110 110 108
911 (c)	Denial of modification request.	110110 110 108

911 (d)	Approval of modification request.....	110+10+10+08
CHAPTER 10. LANDSCAPING, BUFFERS AND TREE CONSERVATION....		111+11+11+109
Sec. 1001 Purpose of Chapter 8.....		111+11+11+109
Sec. 1002 Landscaping, buffers and tree conservation definitions.		111+11+11+109
Sec. 1003 Calculation of “tree units.”		115+15+15+13
1003 (a)	Use of tree units.	115+15+15+13
1003 (b)	Establishment of tree unit values.....	115+15+15+13
1003 (c)	Tree unit values for specimen trees.....	116+16+16+14
Sec. 1004 Landscaping; where required.		117+17+17+15
1004 (a)	Residential subdivisions exempt.	117+17+17+15
1004 (b)	Multi-family and nonresidential uses.	117+17+17+15
Sec. 1005 Landscaping of yard areas.		117+17+17+15
1005 (a)	Open yard areas; multi-family and nonresidential sites.	117+17+17+15
1005 (b)	Trash storage containers.	117+17+17+15
Sec. 1006 Landscape strips along front lot lines.....		118+18+18+16
1006 (a)	Landscape strips along front lot lines; where required.	118+18+18+16
1006 (b)	Location of structures in frontage landscape strip.....	118+18+18+16
1006 (c)	Landscaping required in frontage landscape strips.....	118+18+18+16
Sec. 1007 Landscape strips along side lot lines.		118+18+18+16
1007 (a)	Landscape strips along side lot lines; where required.	118+18+18+16
1007 (b)	Location of structures in side landscape strip.....	119+19+19+17
1007 (c)	Landscaping required in side landscape strip.	119+19+19+17
Sec. 1008 Parking lot plantings.....		120+20+20+18
1008 (a)	Landscape areas required.....	120+20+20+18
1008 (b)	Trees required.	120+20+20+18
1008 (c)	Tree planting areas.....	121+21+21+19
1008 (d)	Parking lot lighting.....	121+21+21+19
Sec. 1009 Street-side screening.		121+21+21+19
1009 (a)	Visual screening required.	121+21+21+19
1009 (b)	Screening alternatives.	121+21+21+19
1009 (c)	Obstructions to sight distance.....	122+22+22+20
Sec. 1010 Land use buffers; when required.		123+23+23+21
Sec. 1011 Land use buffer design standards.		123+23+23+21
1011 (a)	General.....	123+23+23+21
1011 (b)	Width of Buffer.	123+23+23+21
1011 (c)	Minimum Required Screening.	123+23+23+21
1011 (d)	Natural buffers.	123+23+23+21
1011 (e)	Structural buffers.	123+23+23+21
Sec. 1012 Maintenance of buffers.		125+25+25+23

Sec. 1013	Buffer modifications.....	125125125123
1013 (a)	Automatic reduction in buffer width.....	125125125123
1013 (b)	Location of buffers.	125125125123
1013 (c)	Waiver for unnecessary buffers.	125125125123
Sec. 1014	Tree conservation; intent and findings.	126126126124
1014 (a)	Intent.....	126126126124
1014 (b)	Findings.	126126126124
Sec. 1015	Tree conservation; where required.....	126126126124
1015 (a)	Application to new development or disturbed areas.....	126126126124
1015 (b)	Exemptions from tree conservation requirements.	127127127125
1015 (c)	Clearing and/or grading only permits.	128128128126
Sec. 1016	Trees to be provided or retained.	128128128126
1016 (a)	Number of tree units upon completion of development.	128128128126
1016 (b)	Tree inventories and surveys.....	129129129127
1016 (c)	Specimen trees.	129129129127
1016 (d)	Tree replacement standards.	130130130128
Sec. 1017	Protection of existing trees.....	132132132130
1017 (a)	Damage prohibited.....	132132132130
1017 (b)	Construction standards.	132132132130
1017 (c)	Prohibited activities.....	133133133131
Sec. 1018	Alternative compliance.....	134134134132
1018 (a)	Overview.....	134134134132
1018 (b)	Tree replacement fund.	134134134132
Sec. 1019	Site landscaping plans.....	136136136134
1019 (a)	Site landscaping plans; where required.	136136136134
1019 (b)	Site landscaping plans; criteria.	136136136134
1019 (c)	Exemptions from site landscaping plan requirements.	140140140138
Sec. 1020	Plant materials; standards.	140140140138
1020 (a)	Acceptable plant materials.	140140140138
1020 (b)	Approval of plant materials.	141141141139
Sec. 1021	Installation and maintenance of plant materials.....	141141141139
1021 (a)	Installation of plant materials.....	141141141139
1021 (b)	Maintenance of required plant materials.	142142142140
CHAPTER 11. PROCEDURES AND PERMITS	143143143141	
Sec. 1101	Land Use Process.....	143143143141
1101 (a)	As of Right Development.....	143143143141
Sec. 1102	Special Land Use Approvals, Variances and Map changes; procedures.....	143143143141
1102 (a)	Required application.....	143143143141
1102 (b)	Public Notice and Hearings.....	144144144141
1102 (c)	Standards.	145145145143

1102 (d)	Effect of an application approval.	146	146	146	143
1102 (e)	Temporary suspension of permitting during rezoning.	146	146	146	143
Sec. 1103	Special Land Use Approval.	147	147	147	144
1103 (a)	Special use concept plan.	147	147	147	144
1103 (b)	Quarry and Mining Operations.	148	148	148	145
Sec. 1104	Variances.	150	150	150	147
1104 (a)	Types of appeals.	150	150	150	147
Sec. 1105	Appeals of an administrative decision.	150	150	150	147
1105 (a)	Initiation of administrative appeal.	150	150	150	147
1105 (b)	Action by Board of Adjustment.	150	150	150	147
1105 (c)	Decision final.	151	151	151	148
1105 (d)	Variances to Character Area Standards.	151	151	151	148
1105 (e)	General limitations on relief.	151	151	151	148
1105 (f)	Standards for approval.	151	151	151	148
1105 (g)	Administrative approval.	151	151	151	148
Sec. 1106	Land use plan amendments.	152	152	152	149
1106 (a)	Impact analyses.	152	152	152	149
1106 (b)	Standards for land use plan amendment consideration.	152	152	152	149
1106 (c)	Withdrawal of a land use plan amendment request.	153	153	153	150
1106 (d)	State of Georgia oversight.	153	153	153	150
CHAPTER 12.	ADMINISTRATION AND ENFORCEMENT.	154	154	154	151
Sec. 1201	Schedules and fees.	154	154	154	151
Sec. 1202	Administrative roles.	154	154	154	151
1202 (a)	Planning & development director.	154	154	154	151
1202 (b)	Building inspector.	154	154	154	151
1202 (c)	County marshal.	154	154	154	151
Sec. 1203	Nonconforming Uses	154	154	154	151
1203 (a)	To be inserted	154	154	154	151
Sec. 1204	Inspection and enforcement.	154	154	154	151
1204 (a)	Enforcement officer.	154	154	154	151
1204 (b)	Citations.	155	155	155	152
1204 (c)	Removal of illegal signs.	155	155	155	152
1204 (d)	Referral to county marshal.	156	156	156	153
Sec. 1205	Violation and penalties.	156	156	156	153
1205 (a)	Violation a misdemeanor.	156	156	156	153
1205 (b)	Failure to obtain a development permit for land-disturbing activity.	156	156	156	153
1205 (c)	Civil monetary penalties.	156	156	156	153
1205 (d)	Alternative penalties.	157	157	157	154
1205 (e)	Additional remedies.	157	157	157	154
Sec. 1206	Liability.	157	157	157	154

CHAPTER 13. DEFINITIONS	158158158155
-------------------------------	--------------

Chapter 1. Adoption, Purpose and Applicability

This Chapter sets out the legal basis for the land Use Code and its broad purposes, describes the lands to which and circumstances under which the Code applies, and describes how the Code is to be interpreted when certain words or phrases are used or uncertainty of meaning may exist.

Sec. 101 Title and authority.

101 (a) Title.

This Land Use Code regulates the use of land, the location and use of buildings and other site improvements. This Code shall be known as and may be cited as “The Land Use Code of Lumpkin County, Georgia” or, for brevity, “The Land Use Code.”

101 (b) Authority.

This Land Use Code is adopted under authority of Chapter 9, Section 2, Paragraph 3 and 4 of the Constitution of the State of Georgia, and pursuant to the Zoning Procedures Law (O.C.G.A. 36-66-1 *et seq.*) and other applicable laws enacted by the General Assembly.

Sec. 102 Adoption.

102 (a) Repeal of conflicting laws.

All conflicting laws or parts of laws of Lumpkin County are hereby repealed to the extent of their conflict. Where this Land Use Code overlaps with other requirements adopted by the Board of Commissioner(s), whichever imposes the more stringent restrictions shall prevail.

102 (b) Severability.

If any section, subsection, sentence, clause, phrase or portion of this Land Use Code or any amendment to it is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Land Use Code or an amendment to it.

102 (c) Effective date.

This Land Use Code shall take effect upon its adoption by the Board of Commissioner(s) of Lumpkin County, Georgia.

Sec. 103 Purpose and intent.

The purpose of this Land Use Code is to promote the health, safety, ~~morals~~ and general welfare of the public, and is intended to:

- (1) To promote the orderly and beneficial development and expansion of the County;
- (2) To preserve the property rights of individual property owners;

- (3) To retain and enhance its most significant values: the quality of the rural landscape and environment, the diversity of its population, the small town character, historic features, high-quality services, and strong participation by residents in government.
- (4) To promote efficient investment in public infrastructure and;
- (5) To protect environmentally sensitive and agriculturally vulnerable lands, preserve scenic vistas, views and meadowlands, provide landscaping and other elements of an aesthetic nature.

103 (b) **Intent in interpretation.**

In the interpretation and application of this Land Use Code all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the property owner; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

103 (c) **Intent relative to private property agreements.**

This Land Use Code is not intended to repeal, abrogate, or impair any valid easement, covenant or deed restriction duly recorded with the Clerk of the Superior Court, to the extent that such easement, covenant or deed restriction is more restrictive than the requirements imposed by this Land Use Code.

Sec. 104 General applicability.

104 (a) **Lands to which this Code applies.**

This Land Use Code applies to all lands within the unincorporated areas of Lumpkin County, Georgia.

104 (b) **Use of land or structures.**

- (1) The use of existing structures and land is if grandfathered under the provisions for nonconformities in this Land Use Code.
- (2) No new structure or land use shall hereafter be created or occupied except in full compliance with the provisions of this Land Use Code.
- (3) Street rights-of-way shall not be considered a part of a lot or front yard setback for the purpose of meeting the minimum requirements of this Land Use Code.

104 (c) **Lot reduction prohibited.**

No yard or lot existing prior to the effective date of this Land Use Code or any subsequent amendment to it shall be reduced in dimension or area below the minimum requirements set forth in this Land Use Code. Yards or lots created after the effective date of this Land Use Code shall meet at least the minimum requirements established by this Land Use Code.

Sec. 105 Exemptions.

105 (a) Previously Issued Permits.

The provisions of this Land Use Code and any subsequent amendments shall not affect the validity of any lawfully issued and effective building or development permits if:

- (1) The development activity or building construction authorized by the permit has been commenced prior to the effective date of this Land Use Code or the amendment, or will be commenced after such effective date but within 6 months of issuance of the permit; and
- (2) The development activity or building construction continues without interruption (except because of war or natural disaster) until the development or construction is complete. If the permit expires, any further development or construction on that site shall occur only in conformance with the requirements of this Land Use Code in effect on the date of the permit expiration.

105 (b) Governmental Bodies.

All governmental bodies and authorities legally exempt from regulation under the police power of Lumpkin County are exempt from the regulations contained in this Land Use Code.

Sec. 106 Interpretation.

106 (a) Responsibility for interpretation.

- (1) The Director of Planning & Development shall be responsible for the interpretation of the requirements, standards, definitions or any other provision of this Land Use Code.
- (2) Interpretations of the Director of Planning & Development may be appealed under the provisions of this Land Use Code relating to Appeals.

106 (b) Use of figures and examples for illustration.

- (1) Figures associated with defined terms or regulatory paragraphs in this Land Use Code are provided for illustration only and do not limit or change the meaning of the term as defined or the requirements of the regulation as written.
- (2) When an example of the application of a specific provision is given, or other explanatory text is provided, such example or text is identified by placement in a shaded box separate from the regulatory paragraphs in this Land Use Code. Such examples or explanatory text are provided for illustration only and do not limit or change the meaning of the provision or the requirements of this Land Use Code as written.

106 (c) Use of words and phrases.

For the purpose of this Land Use Code, the following shall apply to the use of words and phrases:

- (1) Words used in the present tense include the future tense. Words used in the singular tense include the plural tense, and words used in the plural tense in-

clude the singular tense. The masculine person “he” or “his” also means “her” or “hers.”

- (2) References to the “County” and to the Board of Commissioners and any public officials or appointed bodies of the County not otherwise named by political jurisdiction or defined in this Land Use Code shall always mean Lumpkin County, Georgia, and its governing body, appointed or employed officials, and appointed bodies as named. These include:
 - a. The “Board of Commissioners” shall mean the Commissioner of Lumpkin County, Georgia, and upon its creation the Board of Commissioners of Lumpkin County, Georgia.
 - b. The County ~~Administrator~~Manager, appointed as such by the Lumpkin County Board of Commissioners, or the County Administrator’s designee.
 - c. The Director of Planning & Development, appointed as such by the County Administrator, or the Planning & Development Director’s designee.
 - d. The County Engineer, appointed as such by the County Administrator, or the County Engineer’s designee.
 - e. The Planning Commission created as such and appointed by the Lumpkin County Board of Commissioners.
 - f. The Chief Building Official (referred to also as the “building inspector”) appointed as such under the Building Code, or the Chief Building Official’s designee.
 - g. The Code Enforcement Officer, appointed as such by the County ~~Adminis-~~tratorManager, or the Code Enforcement Officer’s designee.
- (3) References to an administrative department of Lumpkin County shall always mean the department created by the Board of Commissioners as such. These include:
 - a. *Planning & Development Department:* References to action by the “Planning & Development Department” shall mean action by that administrative official to whom responsibility for that action has been assigned by the Director of Planning & Development.
 - b. *Engineering Department:* A reference to action by the “Engineering Department” shall mean action by that administrative official of the Lumpkin County Department to whom responsibility for that action has been assigned by the Director of Engineering.
- (4) References to public officials, departments or appointed bodies of jurisdictions other than Lumpkin County shall always mean such persons or bodies having jurisdiction over or relative to Lumpkin County, Georgia. These include:
 - a. The Clerk of the Superior Court of Lumpkin County, Georgia.
 - b. The Lumpkin County Health Department.
 - c. The _____ Soil Conservation Service District.
 - d. The Georgia Mountains Regional Development Center (the RDC).
 - e. The Georgia Departments of Natural Resources (DNR) and Transportation (DOT).

- f. The United States Army Corps of Engineers, the Federal Aviation Administration (FAA), the Federal Emergency Management Agency (FEMA) and the Federal Environmental Protection Agency (EPA).
- (5) The word “person” is intended to include any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- (6) The words “shall,” “will,” “is to” and “must” are always mandatory and not discretionary, while the word “may” is permissive.
- (7) The word “and” indicates that all of the conditions, requirements or factors so connected must be met or fulfilled, while the word “or” indicates that at least one condition, requirement or factor so connected must be met.
- (8) The term “such as” is intended to introduce one or more examples in illustration of a requirement or point, and is intended to mean “including but not limited to the following.”
- (9) The word “day” means a calendar day unless otherwise specified as a workday, which means Monday through Friday excluding official County holidays.
- (10) The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged,” or “designed to be used or occupied.”
- (11) The term “Future Land Use Plan Map (FLUP)” means the Official Future Land Use Plan Map of Lumpkin County, Georgia, and may include a single map or a series of maps in sections.
- (12) The nouns “Character Area,” “Village,” “Center,” “Corridor,” and “Node” have the same meaning and refer to the land use designations established under this Land Use Code and the Future Land Use Plan Map

106 (d) **Meaning of words and phrases.**

- (1) All words and phrases are to be interpreted within the context of the sentence, paragraph, subsection, section and chapter in which they occur.
- (2) Existing Land uses
A property under current use may continue to be used, subject to any applicable conditions, covenants or other restrictions, except that any existing use that is prohibited or further restricted shall be considered a nonconforming use and shall be subject to the provisions under Chapter ___ non-conforming uses, unless specifically addressed within a Character Area.
- (3) New Land uses
An undeveloped property, any undeveloped portion of a property, a vacant building or any vacant portion of a building may be used for any land use, subject to the provisions of this Land Use Code, any applicable conditions of approval or other restrictions as applicable.
- (4) Words and phrases specifically relating to a category of use of land or a structure that are defined in this Land Use Code shall be interpreted as defined

without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Land Use Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by use of the word or phrase in the North American Industrial Classification System (NAICS) published by the U.S. Department of Commerce.

- (5) Other words and phrases defined in this Land Use Code shall be interpreted as defined without regard to other meanings in common or ordinary use, unless the context of the word or phrase indicates otherwise. Words and phrases not defined in this Land Use Code shall be construed to have the meaning given by common and ordinary use, the meaning of which may be further clarified by definition of the word or phrase in a dictionary of the English language in current circulation.
- (6) Definitions are clearly identified as such and are located throughout this Land Use Code in the Chapters or Sections to which they most readily refer. All definitions, regardless of location within a Chapter of this Code, apply equally to the use of such terms throughout the Code. A glossary of all defined terms is appended to the end of this Code for convenience. However, if differences in wording occur between definitions of a term, the definition contained within a Chapter [of this Code shall control](#).

Chapter 2. Use of Land and Structures

Sec. 201 Future Land Use Map.

The boundaries of the various Character Areas are shown on a map entitled "Official Future Land Use Plan Map of Lumpkin County, Georgia" adopted on the date of adoption of this Land Use Code, and as amended thereafter from time to time.

201 (a) Official Future Land Use Map adopted.

- (1) The "Official Future Land Use Plan Map of Lumpkin County, Georgia" (referred to in this Code as the "FLUP Map") is adopted as the Official Future Land Use Map in the County's Comprehensive Plan and is hereby made a part of this Land Use Code, and all notations, references and other information shown on it shall be a part of this Land Use Code.
- (2) The Official FLUP Map as adopted at the time of adoption of this Land Use Code shall be identified as that map or series of maps signed by the Chairman in office at the time of adoption, and attested by the Clerk of the Board of Commissioners. A certified copy of the FLUP map as originally adopted shall be kept on record in the County Clerk's office.
- (3) The FLUP Map as adopted and as may be amended by the Board of Commissioners from time to time sets forth the location of all character areas, villages and corridors in the County.

Sec. 202 Amendments to the Future Land Use Plan Map

- (1) The Future Land Use Plan Map, as adopted by the Board of Commissioner(s) and amended from time to time by its action, shall be maintained and available in the Planning & Development Department.
- (2) No changes of any nature shall be made to the Future Land Use Plan Map except in conformity with amendments to the map approved by the Board of Commissioner(s) or by adoption of a new Official FLUP Map of Lumpkin County. Such amendments shall be spread upon the minutes of the Board of Commissioner(s) and shall be available for public inspection.
- (3) All Character Area boundary changes and amendments to the FLUP Map shall be noted on the map maintained in the Planning & Development Department with the date of the map change or amendment and reference to the implementing ordinance.

Sec. 203 Character areas; relationship to the Comprehensive Plan

The Lumpkin County Comprehensive Plan in combination with its Future Land Use Plan Map forms the basis for growth management within Lumpkin County. establishes appropriate Character Areas, Villages or Corridors have been created that directly links the Future Land Use Plan map to the Land Use Code. Groupings directly to land use regulations by creating land use plan categories that are more descriptive of the actual character of an area (i.e., rural, urban, village, town) have been identified on the FLUP Map instead of isolated clusters that segregate land uses into broad categories of residential, commercial and industrial land uses. Land use regulations within are written for each Character Areas are written for dif-

ferent types of uses, i.e., agriculture, residential, commercial, industrial to assure that new development fits into the overall feel of the area. ~~through The use of compatibility standards that provide a range of development intensities, intensities composed of densities, floor area ratios, buffers and landscaping standards are established to lesson any potential negative impact on surrounding properties, or similar measures, for each land area in the County.~~

This Land Use Code and the County's individual project approvals provide development standards, plan requirements and other factors that shall determine the development intensity and compatibility standards of each project within Character Areas. The County reserves the right to limit projects to intensities below the Comprehensive Plan's upper limits.

203 (a) **Restrictions on the land use within Character Areas, Villages and Corridors.**

No land shall be developed within a particular character area unless the property is compatible with the standards outlined within this code and as designated on the Future Land Use Plan Map.

- (1) For the purposes of this restriction, "within" shall mean that at least 50% of the land area contained in the property shall be located within the boundary of the Character area as delineated on the Future Land Use Map.
- (2) Changes to Character Area, Village or Corridor Designations on the Future Land Use Plan Map, or specific development standards within these designations shall follow the processes as outlined within the "Procedures Chapter" of this Land Use Code.

Sec. 204 Uses allowed in each character area, village or corridor.

204 (a) **Allowed principal and accessory uses.**

- (1) A *Principal Use* is the specific, primary purpose for which land or a building is used.
- (2) An *Accessory Use* is a use that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not exist independent of the principal use.

204 (b) **Restrictions on particular uses.**

- (1) Requirements that apply to specific uses are listed in the Restrictions on Particular Uses Chapter of this Land Use Code. The restrictions also apply to special uses unless specifically waived or modified as a stipulation of special use approval.
- (2) The following Sections of Chapter ___ apply to all or a variety of individual uses:
 - a. Parking Standards
 - b. Lighting Standards
 - c. Signage Standards
 - d. Landscaping and Tree Conservation Standards.

- e. Environmentally hazardous uses.
- f. Timbering and forestry.
- g. Heavy Manufacturing.

204 (c) **Special uses.**

Certain uses may present unique impacts on neighboring properties, and therefore require special land use approval as outlined in the Procedures Chapter of this Code.

Sec. 205 Definitions of land use categories.

Land use categories referred to in this Land Use Code have the following meanings. The use of the term “property” relative to a land use category includes both developed and undeveloped properties, while the term “use” means a property that is developed, occupied or otherwise in operation under the land use category.

205 (a) **Agricultural.**

A property used primarily for the cultivation of crops, dairying or the raising of livestock, or a vacant property offered for sale or lease for such purpose. Examples of agricultural uses include the following:

- a. Crop production, greenhouse, nursery and floriculture production;
- b. The raising of livestock, except feedlots;
- c. Cattle and hog feedlots;
- d. Forestry and logging;
- e. Temporary Sawmill
- f. Commercial fishing, hunting and trapping;
- g. Support activities for crop production, animal production and forestry; and
- h. Livestock sales pavilions.

205 (b) **Residential Uses.**

A property occupied primarily by a structure used to house one or more families, or a vacant property offered for sale or lease for such purpose. Single and two-family residential uses are listed as “Single-Family Detached” and “Single-Family Attached: Duplex” on Table 2.2 under the category “Residential Uses.”

- a. Single- and two-family residential, site or manufactured home;
- b. Single family attached, duplex or townhouses;
- c. Multi-family residential (3 or more units or a mobile home park);
- d. Rooming and Boarding Houses;
- e. Mixed Use dwelling, including Lofts;
- f. Nursing and residential Care Facilities (up to 15 under care)
- g. Transient living facilities (B&Bs, Lodges and Inns-up to 25 rooms)

205 (c) **Commercial.**

A property occupied by one or more business establishments that are primarily engaged in the sale of goods; the provision of personal, professional, business, entertainment or other commercial services; the management of a business enterprise; or the provision of temporary housing to the traveling public (such as a motel); or a vacant property zoned or offered for sale or lease for such purposes. This Category is split into types and size of commercial uses:

- (1) Agricultural Commercial: Retail and service establishments primarily serving agricultural activities or otherwise oriented to horticultural or animal husbandry activities, such as:
 - a. Produce stands
 - b. Wineries
 - ~~b.c.~~ Retail nurseries
 - ~~c.d.~~ Farm equipment rental, sales, service
 - ~~d.e.~~ Large animal veterinary services
- (2) Neighborhood Commercial: Small scale convenience type commercial, such as:
 - a. Bed & Breakfast Inns
 - b. Gasoline Service Station
 - c. Convenience Store/Quick stops
 - d. Drug Store
 - e. Beauty, barber, and personal services
- (3) Community Commercial: Regionally scaled retail and services, such as:
 - a. Professional offices (accounting, lawyers, architects);
 - b. Medical offices and labs
 - c. Banks, Credit Unions and Savings Institutions
 - d. Hotels and Motels (over 25 rooms)
 - e. Small Shops
 - ~~e.f.~~ Light auto repair
- (4) Intensive Commercial: Large and intensive commercial services that usually pull its market from an entire region and may possibly be highway oriented, including:
 - a. Corporate Offices
 - b. Regional Malls
 - c. Office and business parks
 - ~~b.d.~~ Warehousing and Distribution
 - ~~c.e.~~ Lumber yards

[~~d.f.~~](#) Truck, Utility Trailer and RV Rental and Leasing

[~~e.g.~~](#) Motion Picture Theaters

[~~f.h.~~](#) Performing Arts Theaters

[~~g.i.~~](#) Large Amusement and Recreational Uses

[~~h.j.~~](#) Light Industrial

205 (d) **Industrial.**

A property occupied by one or more business establishment that are primarily engaged in the fabrication, manufacture or production of durable or nondurable goods, storage or distribution of goods and products or a vacant property offered for sale or lease for such purpose. Industrial uses are divided into two categories: industrial and intensive industrial. Examples of uses, include:

(1) Industrial

- a. Light manufacturing, such as medical equipment, signs manufacturing sports and athletic goods, ~~broom~~.
- b. Computer and electronics manufacturing
- c. Wholesale trade
- d. Warehouse and storage
- e. Transportation, Communications and Utilities, [such as taxi and limousine services, general freight trucking and utility substations](#)

(2) Intensive Industrial

- a. Heavy manufacturing, such as animal slaughtering and Processing;
- b. Textile Mills
- c. Paper Mills
- d. Junk and Scrap yards
- e. Landfills
- f. Quarries
- g. Asphalt and Cement plants

205 (e) **Public or institutional use.**

A property occupied by a nonprofit religious, recreational or philanthropic organization, club or institution. Examples include:

- a. Religious institutions
- b. Schools
- c. Cemeteries and Mausoleums

Sec. 206 Character areas; established

The use of character areas and a Future Land Use Plan Map provide a direct link between planning and implementation, and allow proposed changes to be considered

within the context of a community's long-range plan. This Land Use Code seeks to:

- (1) accommodate existing land use patterns without creating large number of non-conforming uses;
- (2) provide an easier and more flexible land use tool than traditional zoning;
- (3) directly link comprehensive planning and land use controls;
- (4) formally recognize existing and accepted forms of development within the county; and
- (5) emphasize guidance and influence of future development patterns and de-emphasizes control and restrictions.

206 (b) **Character areas, villages and corridors; descriptions.**

For purposes of this code, the following character areas, villages and corridors are established below along with the Comprehensive Land Use Plan Map designation that is being implemented within each character area, village or corridor:

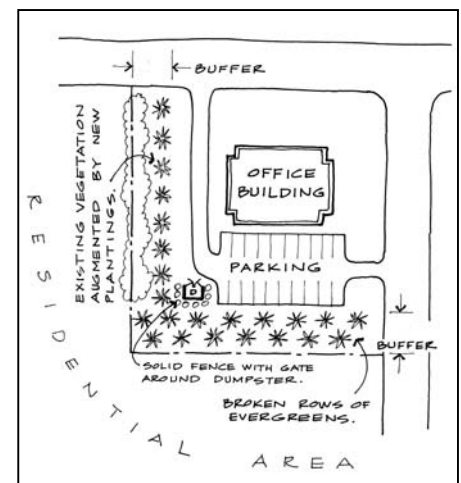
- (1) Agricultural Preservation;
- (2) Rural Places;
- (3) Residential Growth Area;
- (4) Neighborhood Village Center;
- (5) Community Village Center;
- (6) Commerce Corridor;
- (7) Gateway Corridor;
- (8) Intensive Industrial;

206 (c) **Compatibility Standards.**

The use of [Compatibility Development](#) Standards addresses compatibility between land uses; the identified "character" of an area sets the tone for these ~~performance~~ standards. [Development standards vary by character area and address general land use issues such as accessory buildings and outdoor storage, and specific standards such as density, site placement and buffers between uses.](#)

No land use except for uses that specifically require a special land use approval are prohibited in any character area, village or corridor. The use of compatibility standards shall be as follows:

- (1) Except for "special uses," specific land uses are not prohibited but either encouraged or discouraged depending on the character area. Growth is encour-



aged to locate in preferred areas because the standards are less strict there, but not required to do so.

- (2) A table of preferred and discouraged uses is presented within each character area to present a guide during building permitting.
- (3) Because most types of land uses are not restricted within character areas, compatibility standards and design guidelines provide the mechanism for the integration of many types of uses that promote beneficial interaction while limiting negative impacts.

Chapter 3. Character Area Descriptions

Sec. 301 Agricultural Preservation.

301 (a) Overall Character and Intent.

Farming is a viable and desirable way of life within Lumpkin County. It provides jobs, contributes to the local economy and creates demand for support business. Lumpkin County also depends on the scenic beauty created by open pastureland, cultivated cropland, and managed woodland to attract tourists to hike on its trails, stay in its bed and breakfasts and to buy local crafts and food products. Family farms, agricultural operations, conservation areas, vast natural and scenic resources and a rural landscape are a large part of the community's identity and culture.

The preservation of the overall rural character and the preservation of the family-farming heritage are high priorities for the citizens of the county. The intent of the Agricultural Preservation Character Area is to preserve and reduce development pressure on existing conservation and agricultural uses, provide areas for future expansion of these uses and to provide for compatibility standards to lessen the impact between non-compatible uses, especially residential and active agricultural operation. This character area encourages active conservation, farming, commercial agricultural uses and very low-density large lot residential development and discourages "conventional" subdivision development, in order to act as a buffer as suburban development creeps into the County's agricultural areas. A greater emphasis on distancing requirements between active agricultural uses and new residential uses by requiring "new uses" to provide the required buffer underlining the County's commitment to protect active agriculture from residential intrusion and residential uses from potential agricultural nuisances. Because of this rural orientation, it is expected that a lower level of public services and facilities be provided to lessen development pressure in the area.

Is this new working strong & clear enough?

301 (b) Guiding Principles.

To retain the rural character of the Agricultural Preservation Character Area, encouraged uses are primarily agriculturally related uses and operations, and very low-density residential uses. Residential uses within the district are intended to be primarily scattered single-family homes (site built and manufactured) on 3 acres or greater, or compatible large lot, conservation, and equestrian oriented subdivisions. Separations between residential and agricultural uses are required to lessen negative impacts to both farms and residential properties. The following guiding principles are to be used as a guide during the land development process:

- a. Intensive farming areas may result in odors, dust, noise or other effects that may not be compatible with residential development. Conversely, residential development can have negative effects on agricultural uses as more people mean more children and pets that can intrude into agricultural production. Adequate buffer must be provided to lessen incompatible impact.
- b. Vast areas of sensitive natural and historic resources, including large portions of the Chattahoochee National Forest require a lower developmental impact.
- c. Public water and sewerage is not planned, nor are regional public facilities, thereby ensuring a very small residential population through large lot development protection of the rural character and natural resources of this area.

301 (c) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area. Any use identified with an asterisk is subject to additional restrictions as outlined in the "Restrictions Relating to Specific Uses" Chapter of this Land Use Code.

Land Uses Encouraged	Land Uses Discouraged
Intensive agricultural production Timber Production Conservation (National Forest, passive recreation, hiking trails, transient lodging) Class I, V, and VII subdivisions Stick built and Manufactured homes on individual lots Agriculturally related commercial such as farm produce, large animal veterinary services, farm equipment repair and sales, livestock auctions* Cottage Industries* Transient lodging such as, B&Bs, Lodges, Inns* Vacation Cabins, RV Parks and Campsites* Compatible institutional uses, such as churches, summer camps	Class III, IV, and VI Conventional Subdivisions Stand alone non-residential uses
*See the "Restrictions on Specific Uses" Chapter for individual restrictions	

301 (d) **Development Standards.**

Development standards are primarily used to promote compatibility between differing users, such as required distancing between active agriculture and residential (last in to provide), buffers between commercial uses and residential structures used for commercial purposes ("cottage industries"), and adequate site design for safety.

(1) In General.

- a. Primary Conservation Areas to be permanently protect through conservation easements. The protection of Secondary Conservation Areas is encouraged

b. Accessory Buildings.

1. All accessory buildings must be built outside of any applicable setbacks, or 5 feet from any property line if no setbacks are required. The exception is livestock based outbuildings, which must follow the restrictions under "Agricultural Separation."
2. All accessory buildings must be of a secondary use to the primary use of the property.
3. All accessory buildings must be located in the rear or side yard of the primary use, with the exception of a farm produce stand or cottage industry.
4. Accessory buildings, except for barns and farm equipment storage on an agriculturally used property, over 2,000 square feet must have a development permit.
5. Any accessory building and/or use that functions as a primary use shall be treated as the primary use of the property and is required to meet the appropriate restrictions and compatibility standards for such use.
6. Residential businesses that are not inherently part of an active agricultural operation are required to meet the standards as outlined under "Residential Businesses" in this Land Use Code.

c. Outdoor Storage.

Outdoor storage is permitted as an accessory use and subject to the following:

1. Agriculturally related items normally associated with agricultural operations may be stored on the property as long as they are setback at least 25 feet from any property line.
2. Non-agriculturally related outdoor storage:
 - 1-a) Outdoor storage, other than agriculturally related items, must be located in the rear or side yard and setback at least 25 feet from any rear or side lot line; or
 - 2-b) If located in the front yard, ~~the~~ the outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than 6 feet in height or a buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

(2) Agricultural Uses.

a. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 50 feet from any property line adjacent to a residential use:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;

This is an OR paragraph—no fence if you are in the rear or side (added), but required if you want to put it in the front yard. I have added an ag exemption. This section is in here primarily to address other types of uses in the CA. What do you think?

Guys I need help with this—should we not have a setback requirement? Should we separate this between major and minor—I need some feedback!

2. A horse stable containing more than 4 stalls, and any corral, pen or designated riding area;
3. Feedlots and hog parlors; and
4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

The following structures or operations, when constructed or established, must be at least 25 feet from any property line adjacent to a residential use:

5. Accessory agricultural buildings for storage or operations not involving the housing of animals; and
 6. Kennels and other enclosures for the housing or breeding of domestic animals.
- b. All livestock shall be maintained within a fully fenced area.
 - c. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered “grandfathered.” In addition to continued operation, the following will also be permitted:

1. The reconstruction of any farm structure within the same foundation footprint; and
 2. To enlarge the preexisting structure by not more than 2550%.
- d. The Boarding & Breeding of Animals.
 1. The keeping of cattle, poultry and other non-domestic animals, other than personal livestock as defined in this Land Use Code, feedlots and hog parlors shall require not less than 5 acres in area.
 2. Feedlots and hog parlors shall be conducted on tracts of land not less than 10 acres in area.

~~3. For a kennel, veterinary hospital or clinic the minimum lot size shall be 2 acres and the number of animals maintained as breeding stock shall not exceed 4.~~

(3) Agricultural Distancing Requirement

- a. Separation from existing agricultural uses.

When a non agricultural use is to be constructed on an adjacent neighbor-ing property in proximity to any existing agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the adjacent use shall provide the following minimum distance from the agricultural use:

1. Any residential dwelling must be set back 300 feet from the property line.

This section applies to incompatible new “residential development” residences on ones property are exempt. Does this clarify?

2. Any other non-agricultural use must be set back 150 feet from the property line. A non-residential structure may apply for a variance to reduce this setback depending on use.
3. A fence of adequate material and of a height of at least 6 feet shall be constructed by the new use to ensure safe separation between future residents and livestock or waste disposal systems.
4. [This requirement shall not apply to any residence within the confines of the agricultural property in question, or family subdivisions of such agricultural land.](#)

(4) Residential Uses.

a. Single Family Residential.

1. Minimum lot size 3 acres or greater, except in 3 lot splits (1 acre), "family" subdivisions, or Greenspace Subdivisions.
2. Greenspace subdivisions as defined in the "Subdivision Regulations" shall require a minimum overall density of 1 acre per lot.
3. All subdivisions to provide a 150-foot vegetative buffer surrounding the periphery of the property.
4. All lots within a subdivision (except a 3 lot split) must have access from a subdivision road. No lot shall have access directly from a county road. A no access strip along the frontage of the property shall be dedicated to the County.
5. Up to 2 dwelling units are permitted on a parcel. Guesthouses and accessory apartments are encouraged.

b. Multi-family (greater than 3 units)

1. Minimum 15 acres; density of 1 unit per acre;
2. 200 foot vegetative buffer [from the side and rear property lines.](#)
3. Must be connected to public water and sewer, or a county approved community system.

c. Personal livestock.

1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot.
2. A minimum of 2 acres for the first animal shall be provided, and an additional 1-acre for each additional animal kept on the property.
3. All animals shall be maintained within a fully fenced area.

~~d. Private riding stables.~~

4. [Private riding stables A horse stable with 5 or more stalls is allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision of 5 or more stalls shall meet the minimum acreage and distancing requirements as described in this Code. Distancing requirements may be specifically waived by a resident within the development.](#)

~~2.No breeding of livestock shall be done on the property.~~

~~3.Private riding stables must meet the minimum lot size requirements above for personal livestock.~~

~~4.5.~~ Private riding stables must meet the agricultural separation requirements of this Land Use Code.

(5) Transient Lodging (including B&Bs, Lodges, Inns, RV parks and Campsites).

As defined in this Land Use Code, uses described here pertain to small tourist accommodations. Traditional hotels and motels, as defined are regulated as commercial uses.

- a. The minimum lot size shall be 2 acres.
- b. ~~Parking areas must be A buffer of 5025~~ feet ~~from any shall be provided along the~~ side and rear lot lines.
- c. All lighting shall be directed within the property.
- d. Spaces shall be rented by the day or week only, with a maximum rental period of 30 days.
- e. Accessory commercial uses shall be no more than 10% of the square footage of the structure, or more than 500 square feet.

(6) Commercial Uses.

Commercial uses are encouraged to be located within Villages and Corridors within each character area. Any freestanding commercial use shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code. In addition, the following shall apply:

a. Outdoor Display Areas.

The following merchandise or goods may be located in outdoor display areas on a permanent basis:

1. Motorized vehicles (including farming equipment) that are in good running condition free from exterior damage or substantial wear.
2. Plant nursery items.
3. Light building materials such as lumber, patio paves and decorative stone; yard furniture such as benches, swings and birdbaths; and yard maintenance materials such as fertilizer, mulch, straw and seed.
4. All display items must be located 50 feet from any right-of-way.

(7) Agricultural Commercial.

- a. Safe ingress and egress and adequate off-street parking shall be provided for all agricultural commercial uses.
- b. A farm produce stand, either seasonal or permanent, is considered an accessory use to an agricultural use. Such stands are specifically permitted in the front yard of the principle building.

c. Any commercial use considered "intensive" shall be setback 25 feet from any property line, including a 10-foot vegetative or opaque buffer.

~~c. A buffer between the commercial use and any residentially used property shall be 50 feet.~~

(8) Residential Business.

- a. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.
- b. The operator of the residential business must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
- c. Accessory structure used for residential business purposes must meet all accessory use restrictions as outlined within this Land Use Code, including size and location of building.
- d. Any accessory structure used for a residential business must be at least 5025 feet from all property lines.
- e. Materials, equipment, or business vehicles may be stored or parked on the premises in a paved or graveled area in the rear yard or other area that is fully screened from the road and the neighboring property.
- f. Any outdoor storage of materials and equipment shall be to the rear of the principle building and fully screened from the street or neighboring properties.
- g. ProperSufficient access and parking shall be provided on site.
- h. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced induring an average residential or agricultural occupancy.
- i. In the event that a residential business has been declared more intense than the intent of this commercial designation, the appropriate commercial standards will apply.

(9) Cottage Industries.

Cottage industries as defined in this Land Use Code are subject to the following restrictions:

- a. Safe ingress and egress and adequate off-street parking shall be provided for the commercial use to the side or rear of the property.
- b. Structures in which the business is located must be less than 2,000 square feet.
- c. An opaque landscaped buffer and a setback of 5020 feet from all property lines shall be provided for retail type uses, and an opaque landscaped buffer and a setback of 10050 feet from all property lines shall be provided for a Intensive commercial type uses.

(10) Neighborhood Commercial.

All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village section of this Land Use Code. In addition, any stand along neighborhood commercial uses outside of designated village or corridors shall be subject to the following restrictions:

The point is
PAVED PUB-
LIC, unless
access off of
dirt, cow
paths, etc. is
ok?

- a. Buildings and structures should be kept rustic in appearance and designed to fit into their surroundings.
- b. All uses must be setback at least 530 feet from the right of way.
- c. Access must be provided from a paved public road.
- d. A maximum Floor Area Ratio of .25 is allowed on a parcel.
- e. A 7520 foot landscaped buffer is required along the side and rear property lines.
- f. A 5-foot front landscape strip is required.
- g. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 10 vehicles.

(11) Community Commercial.

All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village section of this Land Use Code. In addition any stand-alone community commercial use outside of designated village or corridors shall be subject to the following restrictions:

- a. All uses must be setback at least 7530 feet from the right of way line.
- b. Access must be provided from a paved public road.
- c. A maximum Floor Area Ratio of .10 is allowed on a parcel.
- d. A 10030 foot setback and a 15 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscape and Tree Conservation Chapter.
- e. A 110-foot front landscape strip is required.
- f. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 10 vehicles.

(12) Intensive Commercial.

Any large scaled use considered intensive commercial as defined within this Land Use Code shall meet all standards as outlined in the Commerce Corridor or Gateway Corridor depending on location. Stand-alone uses shall be subject to the following additional restrictions:

I have kept
large setbacks
in intensive
commercial,
because it is
my believe
that they
really should
be discour-
aged. Do you
really want a
mall in the
middle of an
agricultural
area?

- a. All access must be from a paved public arterial road.
- b. A maximum Floor Area Ratio of .5 is allowed on a parcel.
- c. All uses shall be setback 100 feet from any right-of-way line.
- d. All uses shall contain a 50-foot front landscape strip.

- e. All development along _____ roadways is subject to the guidelines outlined in the Gateway Corridor, in addition to a 200-foot buffer ~~fr-~~
~~malong~~ the rear and side property lines.
- f. Any development along other roadways is subject to the guidelines as outlined in the Commerce Corridor; in addition to a 300 foot landscaped buffer ~~is required~~ along the side and rear property lines.

301 (e) **Intensive Industrial.**

Any use that is defined as “intensive industrial” within this Land use Code is subject to a Special Land Use Approval (SLUA) as outlined in the “Intensive Industrial” section of this Code. In addition the following shall apply:

- a. All properties must be a minimum of 10 acres (or greater If specifically restricted).
- b. A buffer of ~~200-300~~ feet from all property lines, and the Right of Way shall be provided.
- c. Access must be from a paved County or State Arterial.

Sec. 302 Rural Places.

302 (a) **Description of Overall Character and Intent.**

Many areas of Lumpkin County are shifting from an agricultural base to one of mixed residential, commercial and industrial land development. The intent of the Rural Places Character Area is to provide a residential-agricultural community, which benefits from its scenic rural landscape and its agrarian past while accommodating residential growth. In order to maintain the agricultural, economic, environmental and aesthetic benefits provided by the rural and natural landscape this character area encourages development opportunities by means of clustering development at farmsteads and large lot homesteads, crossroad hamlets, or within large lot conservation and master planned developments. This character area encompasses outlying areas of the county where water and sewer lines are not planned during the current Comprehensive Plan timeframe.

302 (b) **Guiding Principles.**

The overall character of the area is typically “rural” consisting of small-scale farms and low density residential on large home sites. The following guiding principles were used in the development of this Character Area:

- a. The agrarian and rural character should be maintained as much as possible.
- b. Preserve this area as a transitional area of small scale farming area and residential development;
- c. Provide opportunities for small farms and a low-density residential population in a rural setting.

302 (c) **Preferred Land use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area. Any use identified with an

asterisk is subject to additional restrictions as outlined in the “Restrictions Relating to Specific Uses” section of this Land Use Code.

Land Uses Encouraged	Land Uses Discouraged
<p>Small scale agricultural and forestry uses</p> <p>Single family homes on large lots</p> <p>Class I, II, III, V, VII subdivisions</p> <p>Rural, conservation and equestrian subdivisions</p> <p>Light agricultural commercial uses, such as commercial riding stables, farm produce, etc.</p> <p>Transient lodging, such as B&Bs, lodges, Inns, RV parks and Campsites*</p> <p>Compatible “Cottage” Industries*</p> <p>Compatible institutional uses, such as churches, community and neighborhood recreational centers*</p>	<p>Conventional Subdivisions</p> <p>Mobile Home Parks</p> <p>Higher density housing</p> <p>Stand alone non-residential uses</p> <p>Intensive agricultural commercial</p>
*See the “Restrictions on Specific Uses Chapter” for individual requirements	

302 (d) **Development Standards.**

Development standards are primarily used to promote compatibility between differing users, such as required distancing between active agriculture and residential, buffers between commercial uses and residential structures used for commercial purposes (“cottage industries”), and adequate site design for safety.

(1) In General.

- a. Primary Conservation Areas to be permanently protected^{ed} through conservation easements. The protection of Secondary Conservation Areas is encouraged.

- b. Outdoor Storage.

Outdoor storage is permitted as an accessory use and subject to the following:

1. Outdoor storage must be located in the rear yard and setback at least 50 feet from any rear or side lot line; or
2. The outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than 6 feet in height or a buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

- c. Accessory Buildings.

1. All accessory buildings must be built outside of any applicable setbacks, or 25 feet from any property line if no setbacks are required. The exception is livestock based outbuildings, which must follow the restrictions under “Agricultural Separation.”
2. All accessory buildings must be of a secondary use to the primary use of the property.
3. All accessory buildings must be located in the side or rear yard of the primary use, with the exception of a farm produce stand.

4. Accessory buildings, except for barns and farm equipment storage on an agriculturally used property, over 1,000 square feet require a Land Use Approval (LUA).
5. Any Metal building over 500 square feet shall require a Land Use Approval (LUA).
6. A maximum height for accessory buildings shall be 2 stories or 35 feet.
7. No accessory building, structure or use, shall be built upon a lot until construction of the principle building has commenced.
8. Any accessory building and/or use that functions as a primary use shall be treated as the primary use of the property and is required to meet the appropriate restrictions for such use.
9. Residential businesses that are not inherently part of an active agricultural operation are required to meet the standards as outlined under "Residential Businesses" in this Chapter.

(2) Agricultural Uses.

a. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 150 feet from any property line:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;
2. A horse stable containing more than 4 stalls, and any corral, pen or designated riding area;
3. Feedlots and hog parlors; and
4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

The following structures or operations, when constructed or established, must be at least 100 feet from any property line:

5. Accessory agricultural buildings for storage or operations not involving the housing of animals; and
6. Kennels and other enclosures for the housing or breeding of domestic animals.

b. All livestock shall be maintained within a fully fenced area.

c. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Land Use Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered "grandfathered." In addition to continued operation, the following will also be permitted:

1. The reconstruction of any farm structure within the same foundation footprint; and

2. To enlarge the preexisting structure by not more than ~~+0~~25%.

d. The Boarding & Breeding of Animals.

1. The keeping of cattle, poultry and other non-domestic animals, other than personal livestock as addressed below, feedlots and hog parlors shall require not less than 10 acres in area.
2. Feedlots and hog parlors shall be conducted on tracts of land not less than 30 acres in area.

~~3. For a kennel, veterinary hospital or clinic the minimum lot size shall be 2 acres and the number of animals maintained as breeding stock shall not exceed 4.~~

e. Separation from existing agricultural uses.

When a non agricultural use is to be constructed on a ~~n adjacent neighbor-~~ing property in proximity to any existing agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the new adjacent use shall provide the following minimum distance from the agricultural use:

1. Any residential dwelling must be set back 200 feet from the property line.
2. Any other non-agricultural use must be setback 100 feet from the property line. A non-residential structure may apply for a variance to reduce this setback depending on use.
3. A fence of adequate material and of a height of at least 6 feet shall be installed by the new use to ensure the safety of future residents and livestock.

Distancing is meant to get smaller—there should not be as many farms in the area, or large scale operations—discuss.

(3) Residential Uses.

a. Single Family.

1. Minimum lot size 1 acres or greater (except class VII Estate Subdivisions).
2. All subdivisions, except class VII Estate Subdivisions, are to provide a 50-foot vegetative buffer surrounding the periphery of the property.
3. All lots within a subdivision (except a 3 lot split) must have access from a subdivision road. No lot shall have access directly from a county road. A no access strip along the frontage of the property shall be dedicated to the County.
4. Up to 2 dwelling units are permitted on a parcel. Guesthouses and accessory apartments are encouraged.

No access strip does not affect taxation—simply to reduce curb cut impact on roads.

b. Multi-family (greater than 3 units).

1. Minimum 10 acres; density of 1 unit per acre.
2. 100-foot vegetative buffer from the side and rear property lines.
3. Must be connected to public water and sewer, or a county approved community system.

c. Personal livestock.

1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot.
2. A minimum of 3 acres for the first animal shall be provided, and an additional 1.5 acre for each additional animal kept on the property.
3. All animals shall be maintained within a fully fenced area.

~~d. Private riding stables.~~

~~1.4. Private riding stables A horse stable with 5 or more stalls is allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision of 5 or more stalls shall meet the minimum acreage and distancing requirements as described in this Code. Distancing requirements may be specifically waived by a resident within the development.-~~

~~2.5. Private riding stables must meet the minimum lot size requirements above for personal livestock.~~

~~3.6. Private riding stables must meet the agricultural separation requirements of this Land Use Code.~~

(4) Transient Lodging (including B&Bs, Lodges, Inns, RV parks and Campsites).

As defined in this Land Use Code, uses described here pertain to small tourist accommodations. Traditional hotels and motels, as defined are regulated as commercial uses.

a. The minimum lot size shall be 2 acres for B&Bs, Lodges, and Inns.

b. The minimum lot size shall be 3 acres for RV Parks and Campsites. No space shall be within 25 feet of any property line.

~~c. A buffer of 25 feet shall be provided along the side and rear lot lines.~~

~~d. c.~~ All lighting shall be directed within the property.

~~e. d.~~ Spaces shall be rented by the day or week only, with a maximum rental period of 30 days.

~~f. e.~~ Accessory commercial uses shall be no more than 10% of the square footage of the structure, or no more than 500 square feet.

(5) Commercial Uses.

Commercial uses are encouraged to be located within Villages and Corridors within each character area. Any freestanding commercial use shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code. In addition, the following shall apply:

a. Outdoor Display Areas.

The following merchandise or goods may be located in outdoor display areas on a permanent basis:

1. Plant nursery items.

2. Light building materials such as lumber, patio paves and decorative stone; yard furniture such as benches, swings and birdbaths; and yard maintenance materials such as fertilizer, mulch, straw and seed.
 3. All outdoor display areas must be 50 feet from the Right-of-Way.
- b. Residential Business.
1. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.
 2. The operator of the residential business must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.
 3. Only persons living in the dwelling unit plus 3 nonresident employees shall be located on the premises.
 - ~~4. There shall be no more than 1 delivery daily or pick-up of items produced by the occupant by commercial carrier.~~
 - 5.4. Accessory structure used for residential business purposes must meet all accessory use restrictions as outlined within this Code, including size and location of building.
 - 6.5. Any accessory structure used for a residential business must be at least 50 feet from a property line.
 - 7.6. Materials, equipment, or business vehicles may be stored or parked on the premises in a paved or graveled area in the rear yard or other area that is fully screened from the road and the neighboring property.
 - 8.7. Any outdoor storage of materials and equipment shall be to the rear of the principle building and fully screened from the street or neighboring properties.
 - 9.8. Proper access and parking shall be provided on site.
 - 10.9. No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential or agricultural occupancy.
 - 11.10. In the event that a residential business has been declared more intense than the intent of this commercial designation, commercial standards will apply.
- c. Agricultural Commercial.
1. Safe ingress and egress and adequate off-street parking shall be provided for all agricultural commercial uses.
 2. Restrictions on outdoor display and outdoor storage as outlined within this character area must be adhered to.

3. A farm produce stand, either seasonal or permanent, is considered an accessory use to an agricultural use. Such stands are specifically permitted in the front yard of the principle building.
4. A buffer between the commercial use and any residentially used property shall be 50 feet, except if the use is categorized as "heavy agricultural commercial." A buffer of 100 feet from any residentially used property shall be provided.

d. Cottage Industries.

Cottage industries as defined in this Land Use Code are subject to the following restrictions:

1. Safe ingress and egress and adequate off-street parking shall be provided for the commercial use to the side or rear of the property.
2. Structures in which the business is located must be less than 1,000 square feet.
3. An ~~landscaped~~ opaque buffer and a setback of 50 ~~20~~ feet from all property lines shall be provided for retail type uses, and an opaque ~~landscaped~~ buffer and a setback of 100 ~~50~~ feet from all property lines shall be provided for a heavy commercial type uses.

e. Neighborhood Commercial.

All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village section of this Land Use Code. In addition any stand alone neighborhood commercial uses outside of designated village or corridors shall be subject to the following restrictions:

1. Buildings and structures should be kept rustic in appearance and designed to fit into their surroundings.
2. All uses must be setback at least 53 ~~50~~ feet from the right of way.
3. Access must be provided from a paved public road.
4. A maximum Floor Area Ratio of .25 is allowed on a parcel.
5. A 75 ~~70~~ foot landscaped buffer is required along the side and rear property lines.
6. A 5-foot front landscape strip is required.
7. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 10 cars.

f. Community Commercial.

All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village section of this Land Use Code. In addition any stand alone community commercial uses outside of designated village or corridors shall be subject to the following restrictions:

1. All uses must be setback at least 75 ~~70~~ feet from the right of way line.

2. Access must be provided from a paved public road.
 3. A maximum Floor Area Ratio of .10 is allowed on a parcel.
 4. A ~~300~~50 setback with a 30 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.
 5. A 15-foot front landscape strip is required.
 6. Parking Lot and Loading area landscaping is required for any parking lot accommodating more than 5 cars.
- g. Intensive Commercial.

Any large scaled use considered intensive commercial shall be as defined within this Land use Code shall all standards as outlined in the Commerce Corridor or Gateway Corridor depending on location. Stand-alone uses shall be subject to the following restrictions:

1. All access must be from a paved public arterial road.
2. A maximum Floor Area Ratio of .5 is allowed on a parcel.
3. All structures must be 100 feet from any right-of-way.
4. A 50-foot front Landscape Strip is required along all frontages.
5. All development along County through roads is subject to the guidelines outlined in the Gateway Corridor, in addition to a 200-foot setback from the rear and side property line.
6. Any development along other roadways is subject to the guidelines outlined in the Commerce Corridor, in addition to a 300 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.

302 (e) **Intensive Industrial.**

Any use that is defined as "intensive industrial" within this Land use Code is subject to a Land Use Approval (LUA) as outlined in the "Intensive Industrial" section of this Code. In addition the following shall apply:

- a. All properties must be a minimum of 20 acres (or greater If specifically restricted).
- b. The use shall be setback 100 feet from the property line, or greater as applicable for safety and access.
- ~~b.c.~~ A buffer of 400 feet from the side and rear property lines, all property lines, and the right of way shall be provided.
- ~~c.d.~~ Access must be from a paved County or State Arterial.

This is a minimum of 20 acres—most uses in restrictions require more acreage. I have reduced front setback, but really want to keep buffers strict!

Sec. 303 Residential Growth Area.

303 (a) **Description of Overall Character and Intent.**

As Lumpkin County continues to experience growth in both residential and commercial development, areas that encourage traditional subdivision development

and commercial growth to service this residential population are necessary. The intent of this character area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment, and to areas that have a more “urban” feel. Areas designated as Residential Growth Areas are located primarily within areas that are currently experiencing urbanization and growth pressures, such as outside of City of Dahlonega and within areas that public water & sewer and transportation investment are planned. Minimum lot size varies by type of unit and whether public water and sewer serves the lot.

303 (b) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within this character area. Any use identified with an asterisk is subject to additional restrictions as outlined in the “Restrictions Relating to Specific Uses” section of this Land Use Code.

Land Uses Encouraged	Land Uses Discouraged
Class III, IV, V, VI Conventional subdivisions Mixed use developments Mixed housing developments that include townhouses, cottage, single family developments Compatible institutional uses, such as churches, community centers, small recreational uses, community infrastructure Transient Lodging such as B&Bs, Inns, Lodges* Small Hotels and Resorts* Small scale cottage & residential businesses*	Intensive farming and livestock operations Agricultural commercial uses both heavy & light Single family homes on individual lots Manufactured homes on individual lots Class I, II and VII subdivisions Stand alone non-residential uses
*See the “Restrictions on Specific Uses” chapter for individual requirements.	

303 (c) **Guiding Principles.**

This character area encourages the development of a medium density urban population within traditional subdivision development in order to efficiently provide infrastructure, serve expected future population growth and to provide a variety of housing types. The following guiding principles were used to guide the development of this character area:

- a. These areas are located outside identified centers that are experiencing a high volume of residential growth and development pressure. Traditional subdivision development is encouraged to accommodate projected growth within the County.
- b. The County will concentrate its resources and infrastructure development within this character area to ensure efficient public investment. Public water is either planned or available in this area, although with limited planned public sewer. The development of State approved community systems is encouraged.
- c. Residential population is medium density in nature and primarily single-family houses, and conventional subdivisions. Other types of housing types such as townhouses and multi-family developments are provided

for in areas that have the appropriate infrastructure (transportation access, public water and sewer) to provide a wide range of housing to current and future residents of the County.

- d. Due to the tourist orientation of the County, "Cottage Industries" and small-scaled "Residential Businesses" add to the overall fabric of the community.
- e. Active and community recreation and community facilities are located in this area. Regional level community facilities, such as parks, community centers, schools, libraries and senior centers should be located at central locations.
- f. Although this character area is the most "urban" in nature, sensitivity to the natural and rural character is to be maintained as much as possible.
- g. Stronger development standards regarding buffers, setbacks, access and design guidelines. Greater levels of compatibility between uses is required in this character area. Standards are required due to higher residential densities within this character area.

303 (d) **Development Standards.**

Development standards are strongest in this character area due to a proposed medium density population.

(1) In General.

- a. Accessory Buildings.
 - 1. Accessory buildings having a floor area of less than 400 square feet must be at least 10 feet from the property line;
 - 2. Accessory buildings having a floor area greater than 400 square feet must comply with the same setbacks as required for principal buildings within the character area. If there is no minimum setback, all accessory structures must be 50 feet from the property line.
 - 3. All accessory buildings must be of a secondary use to the primary use of the property.
 - 4. All accessory buildings must be located in the rear yard of the primary use.
 - 5. Accessory uses shall not occupy more than 30% of the rear yard or 50% of the principle structure.
 - 6. Accessory structures shall not encroach upon any easement.
 - 7. Any Metal building over 144 square feet (small utility sheds) shall require a Land Use Approval (LUA).
 - 8. A maximum height for accessory buildings shall be 2 stories or 35 feet.
 - 9. No accessory building, structure or use, shall be built upon a lot until construction of the principle building has commenced.

10. All swimming pools, Jacuzzi, tennis court, deck or patio must be located at least 20 feet from any property line. Pools must be enclosed by a fence or wall at least 4 feet in height with a self-locking gate.
11. Any accessory building and/or use that functions as a primary use shall be treated as the primary use of the property and is required to meet the appropriate restrictions for such use.
12. Residential businesses are required to meet the standards as outlined under "Residential Businesses" in this Chapter.

b. Outdoor Storage.

1. The outdoor storage area must be screened from view by an opaque fence or free-standing wall no less than 6 feet in height or a buffer meeting the standards of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.
2. All outdoor storage must be located in the rear yard.
3. All outside storage must be located outside of the property setbacks, or a minimum of 50 feet from the property line if there is no setback.

(2) Agricultural Uses.

a. Buffer requirements.

The following agricultural structures or operations, when constructed or established, must be at least 300 feet from any property line:

1. Any poultry house, or other structure housing livestock of any type other than kennels and horse stables;
2. A horse stable containing more than 4 stalls, and any corral, pen or designated riding area;
3. ~~Feedlots and hog parlors; and~~
4. Manure and other waste storage containers or pits and agricultural waste impoundment sites.

The following structures or operations, when constructed or established, must be at least 150 feet from any property line:

5. Accessory agricultural buildings for storage or operations not involving the housing of animals; and
6. Kennels and other enclosures for the housing or breeding of domestic animals.

b. All livestock shall be maintained within a fully fenced area.

c. Preexisting Structures.

Any farm structure that is preexisting at the time of the adoption of this Code that does not meet distancing requirements is considered a nonconforming structure. However, such nonconforming structures are considered "grandfathered." The reconstruction of any farm structure that is destroyed by an act of God ~~is allowed to may~~ be rebuilt within the same foundation footprint.

d. The Boarding & Breeding of Animals.

1. Feedlots and hog parlors require a LUA due to the residential nature of this character area.

1.2. The keeping of cattle, poultry and other non-domestic animals other than feedlots and hog parlors shall require not less than 20 acres in area.

2. Feedlots and hog parlors shall be conducted on tracts of land not less than 50 acres in area.

3. For a kennel, veterinary hospital or clinic the minimum lot size shall be 5 acres and the number of animals maintained as breeding stock shall not exceed 4.

e. Separation from existing agricultural uses.

When a non agricultural use is to be constructed on an adjacent neighbor-
ing property in proximity to any existing agricultural structure or operation that includes potential nuisances, such as livestock pasturing, the spreading of litter, etc, the adjacent use shall provide the following minimum distance from the agricultural use:

1. Any residential dwelling must be set back 300100 feet from the agricultural structure.the property line.

2. Any other non-agricultural use must be setback 10050 feet from the agricultural structureproperty line. A non-residential structure may apply for a variance to reduce this setback depending on use.

3. A fence of adequate material and of a height of at least 6 feet shall be by the new use to ensure the safety of future residents and livestock.

(3) Residential Uses.

a. Individual lots and Class I Subdivisions 1 acre minimum.

b. Class II and Class VII Subdivisions 3 acre minimum.

c. Class III, IV, V and VI Subdivision minimum lot size as determined by water and/or sewer availability, or 1 acre if on well and septic tank.

d. Multi-family (greater than 3 units)

1. Located within Class VI subdivisions, and regulated by the subdivision regulations, or a

2. Minimum 5 acres; density of 1 unit per acre; and

3. 100-foot vegetative buffer from the side and rear property lines.

e. Personal livestock.

1. A personal horse stable or barn may be provided that does not contain more than 4 stalls on any residential lot.

2. A minimum of 4 acres for the first animal shall be provided, and an additional 2-acre for each additional animal kept on the property.

3. All animals shall be maintained within a fully fenced area.

- f. Private riding stables.
 - 1. A horse stable is allowed within an equestrian oriented subdivision for the common use of all residents in the subdivision.
 - 2. Private riding stables must meet the minimum lot size requirements above for personal livestock.
 - 3. Private riding stables must meet the agricultural separation requirements of this Land Use Code.

(4) Small Transient Lodging: B&Bs, Lodges and Inns.

A B&B, Lodge or Inn is treated as a residential use if it meets the following guidelines. Large accommodates would meet the restrictions as outlined under commercial uses.

- a. May contain no more than +525 sleeping rooms, exclusive of the owner-occupant family of the residence.
- b. Minimum acreage shall be 2 acres.
- c. No parking area for guests is to be located closer than 25 feet to any residential property line.
- d. A 25-foot setback with a 10 foot buffer shall be provided along the side and rear property lines.
- e. Outside catering, parties, weddings or special events shall require special land use approval (LUA) to ensure that adequate parking and safety issues are addressed.

(5) RV Parks & Campsites.

- a. The minimum acreage shall be 10-acres, minimum.
- b. 100-foot buffer from the side and rear property lines.

(6) Commercial Uses.

Commercial uses are encouraged to be located within Villages and Corridors within each character area. Any freestanding commercial use shall be subject to the regulations as outlined in the Parking and Loading, Signage, and Landscape and Tree Conservation Chapters of this Code. In addition, the following shall apply:

- a. Outdoor Display Areas are prohibited in this Character Area except in conjunction with greenhouses and nurseries as defined below.
- b. Residential Business.
 - 1. All residential businesses must be performed wholly within the principle residence or within an accessory building that meets the requirements of this character area.
 - 2. A minimum of 2 acres.
 - 3. The operator of the residential business must be the owner of the property on which the home occupation is to be located, or must have written approval of the owner of the property if the applicant is a tenant.

Discuss the meaning and intent of residential business. As a use in Lumpkin this could mean anything from an attorney's office to a small body paint shop. Setbacks from properties, number of employees, etc. are all meant to reduce the impact in this residential area, while still allowing this use. Most communities would prohibit this. Limits on outdoor storage are to prevent large amounts of automobiles, trucks

4. Only persons living in the dwelling unit plus 1 nonresident employee shall be located on the premises.

~~5. There shall be no more than 4 delivery or pick-up of items produced by the occupant by commercial carrier per month.~~

~~6.5.~~ Accessory structure used for residential business purposes must meet all accessory use restrictions as outlined within this Code, including size and location of building.

~~7.6.~~ Any accessory structure used for a residential business must be at least ~~100~~50 feet from a property line.

~~8.7.~~ No outside storage is allowed on the property.

~~9.8.~~ No materials, equipment, or business vehicle may be stored or parked on the premises except that 1 business vehicle with a gross vehicle weight of less than ~~1 ½ tons~~9,000 pounds used exclusively by the resident may be parked in a paved driveway or other paved parking areas, carport, garage or rear yard.

~~10.9.~~ Any wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers may be parked within a fully enclosed building, or screened to the rear of the prpoerty.

~~11.10.~~ Proper access and parking shall be provided on site.

~~12.11.~~ There shall be no manufacturing, assembly or fabrication of products on the premises conducted as an occupation or commercial venture.

~~13.12.~~ Any retail sales or services provided on the property shall not begin before 8 am or continue past 7 pm.

~~14.13.~~ No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.

~~15.14.~~ In the event that a residential business has been declared more intense that the intent of this commercial designation, commercial standards will apply.

c. Agricultural Commercial.

A limited number of uses qualify as "light" agricultural commercial in this character area; including small plant nurseries and farm produce stands. All other agricultural commercial uses shall be regulated under the appropriate commercial category below.

1. A farm produce stand may be freestanding or an accessory use. If an accessory use, such stands are specifically permitted in the front yard of the principle building.
2. A minimum of 2 acres is required.
3. A buffer between the commercial use and any residentially used property shall be ~~100~~50 feet.

4. Outdoor display areas shall comprise no more than 10% of the total square footage of the structure, and not remove any of the required parking from the use.

5. A front landscape strip of 10 feet is required.

d. Cottage Industries.

Only cottage industries of a retail and service type (antique stores, attorneys, etc.) shall fit the definition of a “cottage industry” in this Character Area. All other commercial uses are to be regulated under the appropriate commercial category.

1. Safe ingress and egress and adequate off-street parking shall be provided for the commercial use to the side or rear of the property.
2. Structures in which the business is located must be less than 1,000 square feet.
3. An opaque landscaped buffer and setback of 15050 feet from rear and side all property lines shall be provided.

e. Neighborhood Commercial.

All neighborhood commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Neighborhood Village section of this Land Use Code. In addition any stand-alone neighborhood commercial uses outside of designated village or corridors shall be subject to the following restrictions:

1. All uses must be setback at least 530 feet from the right of way.
2. Access must be provided from a paved public road.
3. A maximum Floor Area Ratio of .15 is allowed on a parcel.
4. A 7550 setback from the rear and side property lines with a 30 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.
5. A 310-foot front landscape strip is required.

f. Community Commercial.

All community commercial uses as defined within this Land Use Code shall meet all standards as outlined in the Community Village section of this Land Use Code. In addition any stand-alone community commercial uses outside of designated village or corridors shall be subject to the following restrictions:

1. All uses must be setback at least 15030 feet from the right of way line.
2. Access must be provided from a paved public road.
3. A maximum Floor Area Ratio of .05 is allowed on a parcel.
4. A 75 foot setback with a 150 40 foot landscaped buffer is required along the side and rear property lines as outlined within the Landscaped and Tree Conservation Chapter.

5. A 410-foot front landscape strip is required.

g. Intensive Commercial.

Any large scaled use considered heavy commercial shall be as defined within this Land use Code shall all standards as outlined in the Commerce Corridor or Gateway Corridor depending on location. Stand-alone uses shall be subject to the following restrictions:

1. All access must be from a paved public arterial road.
2. A maximum Floor Area Ratio of .5 is allowed on a parcel.
3. A minimum of 3 acres is required.
4. All structures must be 100 feet from any right of way.
5. A front landscape strip of 50 feet shall be provided.
6. All development along County through roads is subject to the guidelines outlined in the Gateway Corridor, in addition to a 200-foot set-back from the rear and side property lines.
7. Any development along other roadways is subject to the guidelines outlined in the Commerce Corridor; in addition to a 350 foot landscaped buffer is required along the side and rear property lines.

(7) Intensive Industrial.

Any use that is defined as “intensive industrial” within this Land use Code is subject to the approval of a development permit as outlined in the “Intensive Industrial” section of this Code.

In addition the following shall apply:

- a. All properties must be a minimum of 20 acres (or greater If specifically restricted).
- b. A buffer of 400 feet from all property lines, and the Right of Way shall be provided.
- c. Access must be from a paved County or State Arterial.

Chapter 4. Villages and Corridors

To compliment and retain Lumpkin County's traditional settlement pattern of fields, woods, and scenic mountain views surrounding compact villages, a series of village and corridors has been developed to channel commercial growth. Villages and corridors of varying intensity have been located throughout the county dependent on the overall character of the area, surrounding land uses and availability of infrastructure. It is envisioned that these villages and corridors will provide an orderly and compact development pattern, provide for efficiency in terms of infrastructure investment and to avoid "retail creep" and fragmentation in the land use patterns. Non-residential developments may be but are not limited to an individual store, restaurant or service business, a hotel, office park, employment centers or a shopping center. Below is a brief description of each village and corridor character area:

Commercial Type	Description	Intensity of Use	Character Area
Neighborhood Village	Small-scaled convenience stores and services designed to serve daily local needs, located primarily at historic crossroad location within the county .	Very small-scaled retail to serve adjacent area. Businesses restricted to less than 30,000 square feet total. Shops primarily range in the 3,000 to 6,000 square foot range.	All character areas—located at designated intersection nodes that are primarily rural in character and/or surrounding by low-density residential and agricultural development.
Community Village	Mixed use commercial and office uses designed to serve several neighborhoods. Regional scaled retail, services and employment centers. Regional public facilities such as schools, parks & libraries.	"Main Street" style retail within planned developments, small employment generators.	Residential Growth—located at intersection nodes that provide sufficient transportation access.
Commerce Corridor	Large scaled commercial, intensive commercial office, light industrial, distribution development, and major employment generators. Industrial and office park development is preferred.	Larger land uses, employment centers and auto oriented retail.	Major transportation corridors that provide good access; increased buffering between other uses.
Gateway Corridor	Large scaled commercial, office, high technology and distribution uses that are designed to present a unified image along major corridors of the county.	Major employment generators and planned centers.	Development located along major roadways and traffic corridors leading into the County.

Sec. 401 Overall Development Standards.

All commercial and other non residential development within a designated village or corridor is subject to the following development standards, subject to any additional requirements within individual character areas:

401 (a) Landscaping, Buffers and Tree Conservation.

All developments shall meet the requirements as set forth in the Landscaping, Buffers and Tree Conservation Chapter with regard to types, location and maintenance of landscaping, buffers and tree conservation.

401 (b) **Signage.**

All developments shall meet the requirements as set forth in the Signage Chapter, with regard to height and size.

401 (c) **Lighting.**

The following lighting standards shall apply to all non-residential developments. In all cases lighting shall be designed so that it is directed onto the property and not onto any roadway or neighboring property.

(1) Parking Areas.

Lighting shall be provided throughout all parking areas utilizing decorative light poles/fixtures. ~~Lighting poles shall be Box heads, fluted green poles a maximum of 50 feet in height, shall be used. Light source shall be metal halide, not exceeding an average of 6 foot candles of light output throughout parking area.~~ Other than pedestrian light fixtures of 14 feet or less, that shall be less than 14 feet tall, light fixtures shall be hooded. Lighting shall be directed to avoid intrusion on adjacent properties and away from adjacent thoroughfares.

(2) Lighting Source (Lamp).

Only incandescent, fluorescent, metal halide, mercury vapor, or color corrected high-pressure sodium (CRI of 60 or better) light may be used. The same type must be used for the same or similar type of lighting of any one site.

(3) Prohibited lighting.

The following lighting is prohibited:

- a. Roof top lighting.
- b. Permanent mounted exterior neon lights.
- c. The use of a laser source light for outdoor advertising or entertainment.

401 (d) **Parking.**

All uses within these character areas will provide adequate parking and parking lot design as outlined in the Parking Chapter of this Land Use Code.

Sec. 402 Neighborhood Village Center.

402 (a) **Description of Overall Character and Intent.**

Neighborhood village Centers are places where small-scaled commercial uses, such as a bank, grocery store, drug store, dry cleaner, and gas station, are arranged in a village-like setting that might include a neighborhood park. Neighborhood centers are located throughout the county at major crossroad areas, and have developed over the years to serve local needs. These areas are typically rural in character and tend to attract residents who desire single-family homes on large lots. Thus, a neighborhood center is envisioned as a compact assortment of convenience-oriented retail stores and services to address the demands of adjacent residents in less urbanized parts of the county, focusing on historic or natural resources of the

area. Adaptive re-use of historic structures and buildings is encouraged as focal point.

From an urban design perspective, sidewalks and linkages are important circulation features, but even more important is the scale of the roads that serve these areas. Given its small scale and often pastoral nature, a neighborhood center would be overwhelmed by wide thoroughfares carrying high-speed traffic and instead should rely on more modestly scaled roadways and tree-lined streets. Although not specifically part of this Land Use Code, enhancements relating to urban design elements, such as pedestrian lights, consistent signage, and landscaping may be applied to specific developments that create a sense of place in what may have once been little more than a crossroads.

402 (b) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the neighborhood village center character area. Any use identified with an asterisk is subject to additional restrictions as outlined in the "Restrictions Relating to Specific Uses" section of this Code.

Land Uses Encouraged	Land Uses Discouraged
Neighborhood Commercial, such as: Convenience Stores General Merchandise Store Grocery Store Gas Stations* Drug Stores Bank Branches Dry Cleaners Hardware Stores Small offices (doctor, attorney, etc.) B&Bs, Inns and Lodges* Lofts within mixed use developments	Community Commercial Heavy Commercial Freestanding Residential Uses Industrial Uses
*See "Restrictions on Specific Uses" chapter for individual requirements.	

402 (c) **Development Standards.**

(1) Maximum Building Floor Area.

The gross floor area occupied by a single business establishment may not exceed the following, nor may a multi-tenant commercial building exceed 100,000 square feet and may contain one grocery store and one drug or hardware store.

- Grocery or General Merchandise store 30,000 square foot maximum.
- Drug or Hardware Store 20,000 square foot maximum.
- Convenience food with fuel pumps 3,000 square foot maximum.
- All other stores and offices 6,000 square foot maximum.

(2) General Restrictions.

- a. No outside storage of any vehicles or automobile that are being repaired or serviced is allowed.
- b. Accessory and outdoor storage must be screened from view with a 6-foot opaque fence.
- c. No light automotive repair establishment or full service gasoline station shall provide outside repair of vehicles except for replacing taillights, wiper blades, batteries and tires and routine inspections.

~~d. Any veterinary office outside runs or dog kennels shall be screened and 50 feet from any property line, use shall not have outside runs or dog kennels~~

d. General Architectural Requirements.

Groups of buildings on the same parcel (or neighboring adjacent parcels) may be reviewed and permitted as a single project rather than individual buildings. Grouping of similar buildings is encouraged to minimize the number of reviews required and to allow for originality, coordination and design flexibility.

~~a.e.~~ Historic elements or natural features on the property should be maintained and continued as much as possible.

~~b.f.~~ All buildings (including entrances) must be oriented towards the public right of way or an interior courtyard, roadway.

~~c.g.~~ Roof mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.

~~d.h.~~ All garage bay doors shall be oriented away from the road to either the side or rear of the building. Landscaping that screens bay doors from other properties or the street may also meet this requirement.

(4)(3) Access and Circulation.

- a. Access shall be provided off a County Road.
- b. Adequate circulation and parking shall be provided on site as specified in the "Parking and Loading" chapter. Parking shall be located to the side or rear of the building when possible.
- c. Sidewalks or pedestrian walkways shall be provided from the parking areas.
- d. Overnight parking of commercial vehicles (except for cars and vans used for a permitted use) is prohibited.
- e. Interparcel access and shared parking facilities as outlined in the Parking and Loading Chapter are encouraged.
- f. Alternative paving surfaces are encouraged to reflect the rural character of these areas as outlined within the Parking and Loading Chapter.

(5)(4) Landscaping and Buffer Requirements.

- a. A ~~50~~20-foot setback buffer is required along the side and rear property lines with a 10 foot buffer if the property adjoins a residential use as outlined within the Landscaping and Tree Conservation Chapter.
- b. A ~~10~~5-foot front landscape strip is required.

Discuss--This was put in here to discourage blank walls and buildings oriented towards each other as opposed to the street.

- c. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 20 vehicles

Sec. 403 Community Village Center.

403 (a) Description of Overall Character and Intent.

Typically located at the convergence of major transportation corridors, community village centers are envisioned as places where a compatible mixture of higher intensity ~~of~~ uses, such as larger scaled shopping centers, services and professional offices are organized within mixed-use developments, ~~integrated and linked together by a comprehensive circulation system.~~ Community village centers include shopping and service facilities that offer a wide variety of goods and services, including both convenience goods for neighborhood residents and shopping goods for a market area consisting of several neighborhoods. Whereas someone might live near a neighborhood village center but work outside the county, the community village concept could include a variety of housing options, employment opportunities, businesses, office, retail shops, services, well-placed parks, plazas and open spaces linked together by a comprehensive circulation system that creates a community where it is possible to live, work and play.

These land use components coexist as part of a collective approach to creating communities that are safe, attractive, and convenient for pedestrians and motorists alike. Buildings should be designed to conform to architectural standards and oriented in close proximity to each other to facilitate walking instead of driving. Natural and historic resources within community village centers should be enhanced and preserved as a means of defining a distinct identity or sense of place. Community facilities such as schools, branch libraries, and government services, serve as anchors and help to create identity. Access is provided through a comprehensive system of streets, sidewalks and greenways that intersect at key locations and connect residential areas to commercial uses.

403 (b) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Community Village Center character area. Any use identified with an asterisk is subject to additional restrictions as outlined in the "Restrictions Relating to Specific Uses" section of this Code.

Land Uses Encouraged	Land Uses Discouraged
<p>Neighborhood Commercial</p> <p>Community Commercial, such as: Restaurants, General Merchandise Retailers, Midsize Office Buildings, Business Support Services, Private Enrichment Schools, Hotels and Motels, Small Automotive Repair</p> <p>Residential Uses, such as: Mixed Use Dwellings, including Live/Work Spaces, Lofts, Small Apartment Buildings, Retirement Communities, Townhouses, Group and Congregate Homes, Assisted Living</p> <p>Regional public/institutional facilities: Parks, Schools, Libraries, Community Centers, Active Recreation</p> <p>Planned Shopping and Business Centers</p>	<p>Heavy Commercial</p> <p>Auto Oriented Commercial, such as car dealerships</p> <p>Single Family Residential Uses</p> <p>Industrial Uses</p>
*See "Restrictions on Specific Uses" chapter for individual restrictions.	

403 (c) **Development Standards.**

(1) Maximum building Floor Area.

- a. ~~None for s~~Single use buildings less than 100,000 square feet or a planned center of less than under 500,000 square feet do not require site plan approval per planned center.
- b. Buildings and planned centers over the above ~~If over these thresholds, require special site plan approval. special approval would be required, including potential design standards and site plan standards.~~

(2) Site design.

Community village centers are intended to be developed as planned shopping centers or other coordinated development that incorporate a higher level of design and land use relationships along with greater flexibility in site planning and minimum property restrictions. Strip commercial patterns and stand alone uses of development are discouraged. When designed as a master planned development, the integration of residential and commercial uses within the same structure or site is encouraged.

I think it would be impossible to prohibit strip commercial—the best we can do is make it diffi-

- a. No long-term outside storage of any vehicles or automobile is allowed. Only All vehicles awaiting repairs (as permitted in this character area) may be parked on the property. All vehicles awaiting repair must be currently licensed by individuals other than the owner of the property of the business.

~~a.b. in outside storage at auto repair shops, garages, or service stations awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.~~

~~b.that is being repaired or serviced is allowed.~~

- c. Any accessory use involving the storage of equipment, refuse, or spare parts, or motorized vehicles under repair, shall be kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence at least 6 feet high kept in good repair, and located in the rear or side yard.
- d. Land uses, process, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, lights, (which are bright), smoke, noise or vibration.
- e. Automobile laundry or car wash areas are provided on a paved area, along with sufficient area to contain a number of vehicles (at 200 square feet per vehicle) equals to one third of the practical hourly capacity of the washing machines.
- f. Accessory outdoor dining is permitted on or adjacent to the sidewalk as long as a minimum of 5 feet of sidewalk width is retained. Such dining may be separated from the sidewalk only with movable planters or fencing which shall have a maximum height of 36 inches. Other dinning areas may be provided as long as they do not inhibit pedestrian circulation.

(3) Architectural Standards.

- a. Roof mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.
 - b. All one-story buildings less than 10,000 square feet must have a pitched roof (between 5:12 and 12:12) as much as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required.
 - c. All front facades of the principal building, and entranceways shall face ~~and be parallel to~~ the street.
 - d. All garage bay doors shall be oriented away from the road to either the side or rear of the building, or landscaped to block the view from other properties or the street.
- (4) Parking and Access.
- a. Access shall be provided by a paved public road.
 - b. The primary pedestrian entrance to all uses shall face and be visible from the street, shall be directly accessible from the public sidewalk adjacent to such street and shall open directly onto the adjacent public sidewalk, or an outdoor dining area or plaza adjacent to the public sidewalk.
 - c. Adequate circulation and parking shall be provided on site. Internal linkages between properties shall be provided. Parking shall be located to the side or rear of the building when possible. Clear and direct linkages shall be provided from the parking area to the buildings.
 - d. Overnight parking of commercial vehicles (except for cars and vans used for a permitted use) is prohibited.
- (5) Landscaping and Buffer Requirements.
- a. A 50-foot buffer is required along the side and rear property lines of any parcel adjacent to a residential use as outlined within the Landscaping and Tree Conservation Chapter.
 - b. A 15-foot front landscape strip is required.
 - c. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 5 vehicles

Sec. 404 Commerce Corridor.

404 (a) Description of overall Character and Intent.

Commerce Centers are envisioned as destinations for expanded interstate trade opportunities and would accommodate higher densities in order to create a synergy between retail, office, industry and other commercial uses. Less pedestrian oriented than Neighborhood or Community Villages, Commerce Centers are dependent upon access not only to transportation networks, but also to technology and communication infrastructures. Similarly, the provision of adequate public services in the form of water, sewer, and power are critical to the functionality of these areas.

~~Under normal circumstances, Major commercial uses and employment generators have the potential to may~~ place heavy demands on public facilities or cause significant impacts on the environment. Intensive commercial that is light indus-

trial in nature, such as truck stops and heavy auto repair also have substantial noise, odor and air pollution implications. The intent of the Commerce Corridor designation is to provide a variety of tracts for heavy commercial uses, light industrial and employment uses that are limited to office and business parks, large scale commercial, office-warehouse centers, distribution/service, light industrial, high-technology and researching, wholesaling companies and similar businesses that have no significant impacts on the environment. Because of the intensity of use and its potential relationship to residential uses, heavy industrial is prohibited in this character area. When located at the perimeter of a Future Land Use Map Commerce Corridor area, uses that are lower in intensity and scale to ensure minimal impact to adjacent properties is required.

From an urban design standpoint, the most critical element in creating a visually appealing Commerce Corridor is the enforcement of appropriate development standards to ensure adequate site plans and landscaping. Buffers are critical between incompatible uses and guidelines that address signage and lighting will help to mitigate the negative impacts of a high concentration of commercial uses. While Lumpkin County is focused on attracting only clean industries to the area, such establishments still require large warehouse buildings and vast amounts of parking and loading/unloading areas that should be screened from view. In addition, certain commercial uses such as car dealerships require careful site planning to minimize curb cuts and reduce the perception of parking as the primary use.

404 (b) **Preferred Land Use Pattern Table.**

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Commerce Corridor character area. Any use identified with an asterisk is subject to additional restrictions as outlined in the "Restrictions Relating to Specific Uses" section of this Code.

Land Uses Encouraged	Land Uses Discouraged
Heavy Commercial, such as: Car, Boat, and Manufactured Home Sales Truck Stops, repair and service Heavy Auto Repair Building Contractors w/outdoor Storage Lumber yards Neighborhood & Community Commercial within planned centers Light Industrial Distribution, Warehousing and Wholesale Heavy Manufacturing*	Residential Uses Pedestrian Oriented Commercial, except within Planned Centers Intensive Industrial Uses
*See "Restrictions on Specific Uses" chapter for individual restrictions.	

404 (c) **Development Standards.**

When ~~never~~ ever possible, uses within this corridor should be developed as planned business and industrial park developments that coordinate overall site planning and uses. The following minimum development standards should be addressed as part of the overall development:

(1) Site Design.

- a. The building design and landscaping of any new development should be of a high quality and of an appearance that will enhance and be compatible with the character of the surrounding area.
- b. Building materials and colors shall be harmonious and compatible with colors of other buildings within the Corridor.
- c. Buildings located on out-parcels shall be constructed of the same primary building materials as the principal building with which they are associated.
- d. All uses requirement outside sales, including, but not limited to automotive, boat and trailer sales, service lease or rental shall meet the following conditions:
 1. No vehicle, boat, utility building, etc. shall be placed within 20 feet of the street right-of-way.
 2. Such uses shall require a minimum of 2 acres.
 3. A permanent-type structure or structures, not including metal buildings, shall occupy at least 3% of the parcel.
 4. All vehicle servicing and repair shall be carried out entirely within enclosed buildings.
- e. Outdoor Storage Uses.

The outdoor storage of inoperative automobiles, machinery, equipment, used building materials, trash, solid waste, appliances, etc. shall be limited to lawfully established junkyards. However, in those cases where a commercial enterprise requires the outdoor storage, the following shall apply.

1. The use shall be enclosed by an opaque fence or wall not less than 8 feet in height, which provides visual screening.
2. No dismantling, repair, or other such activity shall be conducted unless allowed as a salvage, junk or wrecking yard and complies with the requirements of this Code.
3. Such use shall be located at least 100 feet from any residential district or use.
4. Automobiles shall not be ~~held~~stored longer than provided by state and county law.

(2) Access and Internal Circulation.

- a. All properties must be accessed from an arterial road.
- b. Service functions (e.g. deliveries, maintenance activities, etc.) should be integrated into the circulation patterns in a manner that minimizes conflicts with vehicles and pedestrians.
- c. Access for service vehicles, trash collection and storage areas should be located away from pedestrian areas on a portion of the site not readily

Editorial Comment: My thinking behind this section is to move the county in the right direction. Remember that this is your first step towards a code. I tried to emphasis good principles of design and give staff guidelines.

To eliminate someone from parking used cars on a vacant lot.

visible from the traveled way, and located at least 100 feet from any property line adjacent to a residential use.

(3) Landscaping and Buffer Requirements.

- a. A 100-foot buffer is required along the side and rear property lines that adjoin a residentially used property; or a 75 foot buffer for any other uses located on the perimeter of the corridor as outlined within the Landscaping and Tree Conservation Chapter.
- b. A 35-foot front landscape strip is required.
- c. Parking Lot and Loading Area Landscaping is required for any parking lot accommodating more than 5 vehicles.

Sec. 405 Gateway Corridor

405 (a) Description of Overall Character and Intent.

Several major road corridors are considered to be scenic rural vistas: State Route 400, State Route 60, State route 52 and Long Branch Road. To maintain the rural and scenic vistas that are important to the county's citizens these corridors require special treatment to assure proper development. From an urban design standpoint, the most critical element in creating a visually appealing gateway corridor is the enforcement of appropriate development standards to ensure adequate site plans and landscaping, and the appropriate siting of developments into the natural landscape. Buffers are critical between incompatible uses and guidelines that address signage and lighting will help to mitigate the negative impacts of a high concentration of commercial uses. Vast amounts of parking and loading/unloading areas should be screened from view. Where possible the parking areas should be distributed to two or more sides of the business to "visually scale down" the size of the parking lot. Inter-parcel access between sites should be used whenever possible. Grouping or "clustering" of shops with co-mingled parking, landscaping and pedestrian areas ~~is~~ encouraged.

405 (b) Guiding Principles.

The overall intent of the Gateway Corridor is to encourage a high quality and appearance of building design and landscaping that will enhance and be compatible with the character of the surrounding area. The following guiding principles were used to guide the development of the Gateway Corridor:

- a. Provide for locations of higher intensity, large scale commercial and employment opportunities that require major road access and visibility to serve the economic and future financial success of the county.
- b. To aid in preventing traffic congestion, hazardous traffic patterns and the efficient use of community facilities.
- c. To guide and facilitate development that preserves and enhances the natural beauty of Lumpkin County, and particularly the main roadway and traffic corridor leading into the county and Dahlonega.
- d. To balance the opportunities to develop trade, tourism and commerce with the need to preserve the unique natural and historic resources and residential population of the county.

405 (c) Preferred Land Use Pattern Table.

The following table gives a general outline as to the land uses that are generally encouraged and discouraged within the Gateway Corridor. Any use identified with an asterisk is subject to additional restrictions as outlined in the "Restrictions Relating to Specific Uses" section of this Code.

Land Uses Encouraged	Land Uses Discouraged
Large Commercial Uses, such as regional retailers Office Parks and Buildings Corporate offices	Adult entertainment establishments Automotive, truck, boat and manufactured home sales and service

High technology uses Campus style light industrial Neighborhood & Community Commercial Distribution, Warehousing and Wholesale	Heavy Automotive Repair* Truck Stops* Heavy Manufacturing* Intensive Industrial Uses*
*See "Restrictions on Specific Uses" chapter for individual restrictions.	

405 (d) **Development Standards.**

Where ever possible uses within this corridor should be developed as business and industrial park developments. The following minimum development standards should be addressed as part of the overall development. The following minimum development standards apply to any property located within the Gateway Corridor:

(1) Site Design.

The building design and landscaping of any new development should be of a high quality and of an appearance that will enhance and be compatible with the character of the surrounding area.

- a. Site design should incorporate existing topography and natural character into the overall design of the project, minimizing cut and fill opportunities.
- b. The creation of public plazas, courtyards, and public assembly areas scaled appropriately to the size and location of the project are encouraged.
- c. Retaining Walls.

The height and length of retaining wall should be minimized and screened with appropriate landscaping.

1. Tall, smooth faced concrete retaining walls are prohibited—walls visible from the roadway should be faced with brick, stone, modular block, or other architectural treatment.
2. Terracing and multi-tiered walls should be considered as an alternative to the use of tall or prominent retaining walls, particularly in highly visible areas on hillsides.

(2) Architectural Standards.

- a. Roof mounted or ground mounted mechanical, HVAC and like systems shall be screened from public street view (within 300 feet) on all sides.
- b. Building colors and materials shall be harmonious and compatible with colors of other buildings within the corridor.
 1. Building colors shall be natural, muted earth tones, gray or muted red color brick, natural stone, and/or neutral shades of gray or white.
 2. Bright or accent colors may be used with discretion on ornamental locations on the building's exterior, but shall not be used as the primary building material color. Contrasting accent colors on any single

façade shall be limited to no more than 10% of the total wall area for any single façade.

3. Alternative colors and color schemes, including the use of nationally recognized "logo" colors, may be considered upon review and recommendation of the Planning Director.
- c. Accessory buildings, buildings located on out-parcels, and other structures located on the property shall be constructed of the same primary building materials as allowed for principle buildings with which they are associated.

~~d. Satellite dishes shall be located and painted to blend with the background as much as practical.~~

~~e.d.~~ All sides of a building that are visible from a road should be finished with a primary building material (i.e., brick, stone, textured block, natural wood, wood shakes and/or cement based artificial wood siding, split-face aggregate block or cut aggregate block, high grade stucco and Exterior Finished Insulated System (EFIS) siding). Metal siding is prohibited.

~~f.e.~~ All one-story buildings less than 10,000 square feet must have a pitched roof (between 5:12 and 12:12) as ~~much~~ stch as possible. If a pitched roof is not possible, a combination of a flat roof and pitched roof is required.

~~g.f.~~ All front facades of the principal building and main entrance ~~and be parallel to~~ the street.

~~h.g.~~ All garage bay doors shall be oriented away from the road to either the side or rear of the building, or landscaped to block the view from other properties or the street.

~~i.h.~~ Arcade/Structural Canopy for Retail Use.

For any multi-tenant commercial shopping center or strip center, a covered arcade/structural canopy shall be provided along the front façade of the building. All arcades are to be designed in a manner that provides architectural depth to the building and includes covered areas for relief from the weather. The arcade must be a minimum of five feet in width.

~~j.i.~~ Outside Storage.

1. All outside storage and the parking of vehicles waiting to be serviced or repaired should be located to the rear or side of the building, kept inside an enclosed building or otherwise fully shielded from public view by a fully opaque fence, surrounded by landscaping at least 8 feet high kept in good repair.
2. All vehicles in outside storage at auto repair shops, garages, or service stations awaiting repairs must be currently licensed by individuals other than the owner of the property of the business.

~~k.j.~~ Land uses, process, or equipment employed shall be limited to those that are not objectionable by reason of odor, dust, lights, (which are bright), smoke, noise or vibration.

~~l.k.~~ Automobile laundry or car wash areas are provided on a paved area, along with sufficient area to contain a number of vehicles (at 200 square feet

per vehicle) equals to one third of the practical hourly capacity of the washing machines.

m.l. Accessory outdoor dining is permitted on or adjacent to the sidewalk as long as a minimum of 5 feet of sidewalk width is retained. Such dining may be separated from the sidewalk only with movable planters or fencing which shall have a maximum height of 36 inches.

(3) Access and Internal Circulation.

New development and the expansion or redevelopment of any existing use will require the provision of inter-parcel access as described in this Section.

- a. For any office or retail sales or service use, the property owner shall grant an access easement to each adjoining property that is located within the corridor.
- b. Parking should be located to the side or rear of buildings whenever possible.
- c. Sidewalks are required to provide linkages to individual buildings, neighboring properties and parking. Where pedestrian circulation crosses vehicular routes, a change in grade, materials textures or color should be provided to emphasize the conflict point and improve its visibility and safety. Brick pavers and other special paving materials and overhead features are encouraged to distinguish pedestrian walkway surface and areas.
- d. Internal linkages and access should be integrated into the total project design, including the development of public plazas, courtyards and public assembly areas scaled appropriately to the size and location of the project.

(4) Buffer and Landscaping.

- a. All buildings shall be setback 50 feet from the right of way.
- b. A front yard landscape strip of 30 feet is required on all properties fronting on GA 400 and 30 feet on all other roads.
- c. Side and rear minimum buffers of 25 feet shall be provided between adjacent incompatible uses.
- d. Interior landscaping for parking areas must be provided for parking areas over 5 vehicles.

Chapter 5. Intensive Industrial

Sec. 501 Overall Character and Intent.

Some land uses that are necessary have potential negative land use impacts and could be potentially dangerous to health, safety or general welfare located near residential development. Uses such as landfills, quarries, environmentally hazardous uses and heavy manufacturing establishments that convert raw materials into usable intermediate or finished products, the use of acids or caustic chemicals, or the production of unusually loud noise have increased land use and compatibility issues and requirements. The intent of this character area designation is to assure that these uses are located in appropriate places within the county to minimize potential negative effects.

501 (a) Special Land Use Approval Required.

Because uses within this character area are usually large scaled operations, and pose unique development considerations, uses considered "intensive industrial" Special Land Use Approval (SLUPA) is required.

Upon reviewing a proposed use the Planning Director shall make a determination if a use fits within the intensive industrial category. If a use is determined to fit into the intensive industrial category, the owner of the proposed use must file an application requesting a Special Land Use Approval (SLUA) with the County as outlined in the Procedures Chapter of this Code.

501 (b) Description of Intensive Industrial Development.

Below is a guideline as to what would be considered an intensive industrial use within the County. The Planning Director shall make an actual determination during the review process.

- (1) Bulk storage of petroleum, natural gas or other flammable gasses or liquids, other than as an accessory use to a gasoline station or truck stop.
- (2) Leather and hide tanning and finishing, except taxidermy.
- (3) Paper manufacturing other than finished stationery products.
- (4) Petroleum and coal products manufacturing.
- (5) Solid waste combustors or incinerators. [Medical and hazardous waste.](#)
- (6) Salvage, junk and wrecking yards.
- (7) Quarries or mining operations.
- (8) Waste Handling or disposal.
- (9) Any manufacturing or industrial activity that produces any of the following as products or by products of the manufacturing process:
 - a. Caustic or corrosive acids.
 - b. Chlorine or other noxious gasses.
 - c. Explosives.

- d. Fertilizer or glue.
- e. Products involving hair or fur.

(10) Petroleum refining.

(11) Processing of sauerkraut, vinegar or yeast.

(12) Rendering or refining of fats and oils.

(13) Wood preservation.

Sec. 502 Development Guidelines.

502 (a) Minimum Compatibility Standards.

Because of the specific nature of each intensive industrial use, each use will be reviewed on an individual basis as to potential impact, and specific standards and restrictions that should apply. Following are minimum guidelines:

- a. Such uses shall not be located closer than 500 feet from any residential property line.
- b. All uses must have a minimum land area of at least 10 acres. This minimum may be reduced if the Planning Director determines a large area is not necessary to the health and welfare of the general public.
- c. Manufacturing that will generate bio-medical, hazardous or liquid waste or air pollutants from the manufacturing process shall comply with relevant standards established by the state and federal governments, and acquire and keep current all necessary state and federal permits.
- d. All environmentally hazardous uses must comply with those restrictions as outlined in this code.
- e. Such use shall comply with all applicable state and federal laws.

Chapter 6. County Wide Development Standards

The following development standards apply to all properties within Lumpkin County.

Sec. 601 “Cottage industries”.

Cottage industries are defined as small stand-alone structures that are the primary use of a property. These industries have been set apart as a specific use due to the County heritage of “cottage industries” and the tourist nature of the County. The main difference between this use and “residential business” is the stand-alone principle use of these buildings. Most uses are tourist, service and retail in nature, such as group daycare, craft retail sales, outdoor activity centers. Such uses are subject to the following requirements

- (1) All cottage industries must be setback 50 feet from any property line.
- (2) No materials, equipment, or business vehicles may be stored or parked on the premises except that 1 business vehicle with a gross vehicle weight of less than 9,000 pounds used exclusively by the resident may be parked in a paved driveway or other paved parking area, carport, garage, or rear yard. This shall not include a wrecker, dump truck, flat bed truck, tow truck, or any truck with more than 6 wheels or more than 2 axles, or any van capable of carrying more than 15 passengers, including the driver.
- (3) No use shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to a greater or more frequent extent than that usually experienced in an average residential occupancy.
- (4) Stand-alone buildings must be less than 1,000 square feet.
- (5) Business must not operate before 7 am and after 7 pm.
- (6) Proper access, parking and circulation must be provided for safety reasons.
- (7) Signage must meet all requirements as outlined in the signage chapter.

Sec. 602 Environmentally hazardous uses.

602 (a) Special use approval required.

Any use that requires a federal or state permit due to the handling, storage, production or processing of bio-medical or hazardous materials, products or waste, as defined by EPCRA section 313 Toxic Chemicals, must obtain approval as a special use from the Board of Commissioners. The special use application shall include a copy of the application for the federal or state permit.

- (1) Section 313 businesses.

Any business that is required to file a Toxic Chemical Release Inventory report (Form R or Form A) under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA, or Title III of the Superfund Amendments and Reauthorization Act of 1986, Public Law 99-499) is subject to special use approval in order to operate in Lumpkin County. An initial Form R or Form A must be included in the application for special use approval.

- (2) Annual reporting required.

A Section 313 Toxic Chemical Release Inventory report (Form R or Form A) shall be filed with the Planning & Development Department annually when filed with the U.S. Environmental Protection Agency and the state. Failure to submit such report to the Planning & Development Department annually may be grounds to void County approval through reinitiating of the special use approval.

Sec. 603 Freestanding parking garages, primary or accessory use.

- (1) When abutting any residentially used property line, free standing parking garages shall not be located within any required building setback for a principal building, if no setback is required, the any parking garage must be located 25 feet from any property line.
- (2) When abutting other non-residentially property, freestanding parking garages shall not be closer than 10 feet to any rear or side property line.

Sec. 604 Outdoor Storage.

All outdoor storage shall be located within an enclosed space, screened by landscaping or fencing or within the rear or side yard as defined within each character area.

Sec. 605 Parking of Vehicles, Trailers, Boats and Commercial Vehicles.

Commercial vehicles with more than four wheels, recreational vehicles, travel trailers, campers, pick up coach, buses, motorized homes, boat trailers and haulers, boats and inoperable vehicles shall not be parked in the front yard of any residential use.

- (1) Such uses may be parked or stored in an enclosed garage or carport or in the rear or side yards provided they remain more than 20 feet from the rear property line and ten feet from the side property line.
- (2) No such vehicle shall be occupied for sleeping or as a residence, either permanently or temporarily, when so parked.

Sec. 606 Temporary events.

Specialized and intermittent uses of property such as Christmas tree sales, circuses and carnivals, commercial filming, live entertainment, personal property sales, religious assemblies, outdoor retail sales, street fairs, and swap meets are not to exceed 15 days or the time period set forth in this Section. Adequate off-street parking shall be provided for all such uses.

- (1) Circus or carnival.

Provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or similar activities in a tent or other temporary structure for a maximum of 7 days. This classification excludes events conducted in a permanent entertainment facility.

~~(2)Commercial filming, limited.~~

This section is to prevent wild festivals just anywhere! I can delete if you like.

~~Commercial motion picture or video photography at the same location 21 or fewer consecutive days per quarter of a calendar year in residential districts or fewer than 30 days per quarter of a calendar year in non-residential districts.~~

~~(3)~~(2) Community fair.

A festival or fair wholly within public areas owned by a local government, provided that any activity is conducted at least 200 feet from any property line; any event shall not exceed 21 days.

~~(4)~~(3) Swap meets and outdoor markets.

- a. Outdoor swap meets, flea markets and craft shows are permitted for the retail sale or exchange of new, handcrafted, or second-hand merchandise for a maximum period of 48 hours, conducted by a single sponsor no more than twice in any year.
- b. Outdoor farmer's markets may be held for the retail sale of produce, breads, meat and poultry, specialty foods and small cooking items and crafts for a maximum period of 48 hours, conducted once a week.

Sec. 607 Timbering and forestry.

Timbering and forestry operations are allowed if the tree removal represents tree harvesting undertaken as a bona fide agricultural activity.

607 (a) **Bona fide agricultural activity.**

The following shall be required in order to qualify tree harvesting as a bona fide agricultural activity:

- (1) The tract must be under an approved forestry management plan.
- (2) The Lumpkin County Tax Commissioner has approved the property for a Preferential Agricultural Assessment or a Conservation Use Assessment.
- (3) A tree-harvesting permit has been submitted to the Tax Commissioner, as required by State law.
- (4) There is a contract for delivery of the trees between the tree harvesting company and an end user, such as to a mill or wood pulp company.
- (5) Best Management Practices required by the Georgia Forestry Commission shall be followed. This can be evidenced by a contract between the tree harvesting company and the property owner (the seller) that is consistent with the form and content recommended by the Georgia Forestry Commission.
- (6) The tree harvester is currently qualified as a Master Timber Harvester by the Georgia Forestry Commission at the time of the tree harvesting.

607 (b) **Restriction on development approval of recently cleared land.**

A preliminary plat for any type of subdivision or a site plan for any type of multi-family or nonresidential development shall not be approved if any portion of the property has been cleared of trees within 5 years prior to such approval request. This restriction may be waived by the Board of Commissioners upon a finding that:

- (1) The tree removal occurred as a bona fide agricultural activity; and,

[Discuss—clear cutting issues](#)

- (2) A minimum basal area of at least 50 square feet per acre, distributed evenly throughout the property, was retained on the property at the time of tree removal, as certified by a qualified arborist or forester.

Chapter 7. Restrictions on Specific Uses

The following development standards apply to specific uses within the county.

Sec. 701 **Agricultural Uses.**

701 (a) **Sales, lease and repair of heavy equipment.**

All outdoor display and outdoor storage shall conform to the requirements as set forth below.

701 (b) **Commercial greenhouses or plan nursery.**

All structures shall be set back at least 50 feet from any property line used for residential purposes.

701 (c) **Grape growing and wine distillation, bottling or sale.**

Any structure used for processing, distilling, bottling or sale for on-site production of wine shall be set back at least 150 feet from any property line and shall comply with all federal, state and local regulations or ordinances pertaining to same.

701 (d) **Large animal hospitals and veterinary clinics.**

All structures shall be located and activities conducted at least 200 feet from any property or structure used for residential purposes.

701 (e) **Livestock Sales.**

Livestock sales pavilions or auction facilities, including show rings or other areas for the display, exhibition, training or sale of livestock, shall not have any animal quarters located closer than 300 feet from the property line.

- (1) Car or truck washes on the property shall be enclosed within a building, located within a side or rear yard only, and located at least 50 feet from the property line.
- (2) Dormitory space, but cannot be larger than 10,000 square feet in gross floor area.
- (3) No major repairs such as engine overhaul, transmission and differential repairs, body and fender work and other repairs of a similar nature shall be performed on the site.
- (4) No outside storage of parts or non-operable vehicles is permitted.
- (5) Truck parking areas must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide buffer.

701 (f) **Tenant Dwellings.**

Tenant dwellings for farm workers, when located on the same tract of land as the principal residence, shall be 2 dwelling per 50 acres.

Sec. 702 Commercial, neighborhood.

702 (a) Automotive light repair.

An indoor repair establishment for performing light automotive and small truck (under 1 ton) repairs such as brakes, oil changes lubrication, transmission belts, hoses, inspections and similar maintenance and repair activities (including tune-ups) is subject to the following restrictions:

- (1) No outside storage of parts or non-operable vehicles except within a screened area.
- (2) Buildings shall not exceed 8,000 square feet in floor area.
- (3) An emissions or auto inspection station may be an accessory use to a light auto repair facility, provided that it is contained within a fully enclosed structure.

702 (b) Gasoline stations and convenience stores with fuel pumps.

Any use that dispenses gasoline or diesel fuel, whether as a principal or accessory use, shall comply with the requirements of this Section.

- (1) General requirements.
 - a. Facilities shall not be within 100 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.
 - b. A vehicle access drive shall be not more than 40 feet wide as measured at its narrowest point parallel to the street, and shall not be located closer than 10 feet to an adjoining property or 4035 feet from a street intersection.
 - c. There shall not be more than 2 driveways along a single street, which must be separated by at least 100 feet.
 - d. All operations except for the sale of gasoline or diesel fuel shall be conducted in an enclosed building.
 - e. No gasoline pump or canopy shall be located closer than 20 feet to any right-of-way line, or the following distance from the centerline of the following streets, whichever is greater:
- (2) There shall be no rental of trailers, hand tools, garden tools, power tools or other similar equipment as an incidental part of the operation.

Sec. 703 Commercial, Community.

703 (a) Automotive body, paint, interior and glass repair shops.

- (1) This use shall not be permitted within 200 feet of any property used for a residence, school, park, church, playground or hospital.
- (2) All activities shall be carried on entirely within an enclosed building.
- (3) There shall be no outside storage without storage.

703 (b) **Day care center.**

- (1) Outdoor play areas shall be provided in the rear or side yards shall be enclosed by a solid hedge, wall or fence 6 feet high. All outdoor play areas shall be separated from driveways, streets and parking areas.
- (2) Day care centers shall provide adequate areas for the safe drop-off and pick-up of children. These areas shall be off-street in a driveway, turnaround or parking area.
- (3) When within or adjacent to a residential character area, the day care center may operate for a 14 hour period per day with outdoor activities limited to daylight hours between 8:00 a.m. to 8:00 p.m. in order to limit noise impacts to neighboring residents.
- (4) All day care centers shall obtain necessary state licenses and shall be operated in conformance with all applicable state and local regulations.
- (5) When operated as an accessory use, the day care center shall be located within a nonresidential building and otherwise comply with all requirements of this Subsection, above.
- (6) A day care center operated as a principal use shall comply with all of the property development and performance standards for the character area in which it is located, and shall not be located within 300 feet of any other day care center or group day care facility.

703 (c) **Hotels and Motels.**

Any hotel or motel with over 25 rooms shall be considered a Community Commercial use and shall be regulated as such within each character area. In addition the following shall apply:

- (1) Located on a minimum of 5 acres or sites adjacent to or within 500 feet of an interstate highway interchange or the interchange of two arterials.

Sec. 704 Commercial, intensive.

704 (a) **Large Places of Assembly.**

- (1) Traffic and parking plan to be approved by the County Engineer.
- (2) Hours of operation to be approved by the Board of Commissioners
- (3) Noise abatement plan to be approved by the Board of Commissioners.
- (4) Minimum site area of 10 acres.
- (5) A minimum 1,000-foot setback from any residential district.

704 (b) **Outdoor Recreation.**

The following restrictions shall apply to uses such as golf or baseball driving ranges, Go-cart concessions, private recreation centers, and any other such use that fits the intent of this section in the opinion of the Planning Director.

- (1) Central loudspeakers are prohibited.

- (2) Lighting shall be established in such a way that adjacent properties and roadways are not adversely affected, and that no direct light is cast upon adjacent properties or roadways.
- (3) Ingress and egress from a public street shall be so designed and constructed as to provide for safe traffic movement. This use shall be accessed only from collectors or arterials.
- (4) Drive-in theaters.
The theater screen, projection booth or other buildings shall be set back not less than 500 feet from any property line. A minimum 100-foot buffer shall be provided adjacent to residentially used land.
- (5) Golf or baseball driving ranges.
The facility shall be enclosed by a wall or fence and buffered area ten feet in depth to screen adjacent property.
- (6) Fairgrounds and amusement parks.
 - a. All buildings and structures associated with this use shall be set back not less than 200 feet from any property line.
 - b. The facility shall be enclosed by a security wall or fence not less than six feet in height.
- (7) Go-cart concessions, miniature golf and family amusements.
 - a. All buildings and structure associated with this use shall be set back not less than 200 feet from any property line.
 - b. The use shall not be permitted within 500 feet of a residentially used property line.
 - c. The facility shall be enclosed by a wall or solid fence not less than six feet in height.
 - d. The maximum motor size of any cart used shall not exceed five horsepower.

704 (c) **Private ambulance and emergency medical services.**

- (1) These uses shall be permitted only on property with frontage on an arterial or collector with access limited to that arterial or collector.
- (2) The proposed development shall be reviewed and written approval granted by the director of public safety prior to issuance of any permit or license.
- (3) The owner of the business shall bear all costs for traffic signs and signals necessary to advise the motoring public of emergency vehicle access.

704 (d) **Sawmills, permanent, temporary or portable.**

- (1) Temporary or portable sawmills may be operated for a maximum period of six months, and only for timber removed from the property on which it is located.
- (2) Any sawmill must be setback 150 feet from any residentially used property.

704 (e) **Self service storage, mini-warehouses.**

Minimum standards for the use, site development, construction, and placement of self-service storage facilities and mini-warehouses shall be as follows:

(1) General regulations.

- a. No wholesale or retail sales shall be permitted, except for incidental sales of moving supplies.
- b. As a principal use, a self-storage facility shall not occupy a site larger than 10 acres, as an accessory use, the facility shall not occupy more than 5 acres.
- c. Storage bays shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, boats, small engines or electrical equipment, or to conduct similar repair activities; conduct garage sales or retail sales of any kind; rehearsing or practicing utilizing band instruments; conversion to an apartment or dwelling unit; or to conduct any other commercial or industrial activities on site.
 1. Residential quarters for security purposes may be established on the site (see the Night Watchman Section of this Chapter).
 2. A minimum 8-foot fence or wall shall enclose the self-storage facility. Said fence or wall shall be constructed of brick, stone, masonry units, wood, chain link, cyclone, or other similar materials. Said fence or wall shall be set back a minimum of 20 feet from the side and rear property lines. Fences and walls shall adhere to the required front yard set back. This requirement will be inapplicable should the facility comply with landscape requirements of self-storage.
- d. The storage area shall be entirely screened from view from adjacent residential properties and public streets by a building or by the installation of a 6-foot high opaque wall or fence. If existing vegetation or topography provides the required screening, then this wall or fence requirement may be eliminated.
 1. Except as provided, all property stored on site shall be entirely within enclosed buildings. Storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals is prohibited.
- e. A self-service storage facility shall be located on a lot that gains access from a local commercial or industrial street, a minor or major collector, or an arterial street.
- f. Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within a self-service storage facility provided the following conditions are met.
- g. Buildings shall be situated or screened so that overhead access doors do not face public roads or residentially zoned property.

Verify how this fits in with the overall landscaping stuff

(2) Landscape requirements.

A detailed landscape plan shall be submitted with the development plans at the time of plan review for approval. In addition to the requirements of the

Buffer & Landscaping Plan required for a development permit, the following shall apply:

- a. Landscaping shall be provided in areas between the property lines and the required fencing. This area shall be designated as a perimeter landscape strip. Landscaping shall be designed, placed, and maintained in such a manner as not to interfere with traffic visibility.
- b. A landscape strip of at least 20 feet in width shall be provided along all street frontages.
- c. The side and rear yard building set backs shall remain in their natural state or be re-landscaped with vegetation.
- d. If the existing vegetation is inadequate to buffer adjoining residential development, an 8 foot high fence or wall shall be installed along the interior property lines and street set backs.
- e. There are no aisle ways or other vehicular access ways located in the area between the building and adjacent residential or office and institutional property lines or rights-of-way.

704 (f) **Truck Stops.**

- (1) Facilities shall not be within 100 feet of any residential property or properties containing a school, public playground, church, hospital, public library or institution for children or dependents.
- (2) The site shall front at least 120 feet on a major collector or arterial street and have a minimum lot area of 2 acres.
- (3) All uses other than the dispensing of fuel must be contained within a single principal building. Such building may contain convenience shopping space, a restaurant, TV viewing and recreation lounges, rest room facilities, showers and dormitory space, but cannot be larger than 10,000 square feet in gross floor area.
- (4) No major repairs such as engine overhaul, transmission and differential repairs; body and fender work and other repairs of similar nature shall be performed on site.
- (5) No outside storage of parts or non-operable vehicles is permitted.
- (6) Truck parking area must be at least 300 feet from any residential property and separated from adjoining residential property by a 200-foot wide buffer.

Sec. 705 Industrial, light.

705 (a) **Warehousing and storage.**

- (1) There shall be no external storage of goods or materials, except within an intensive industrial character area.
- (2) All uses shall be located on arterials.
- (3) 200-foot deceleration and acceleration lanes are constructed for all access points.

Sec. 706 Industrial, heavy.

706 (a) Heavy Industrial.

Any use that is considered an “environmentally hazardous” use under this Code requires a land use permit as outlined.

- (1) Use restrictions.
 - a. Compliance with all applicable federal and state laws.
 - b. All necessary federal and state permits are obtained.
 - c. Hours of operation shall be limited to daylight hours.
 - d. Noise abatement and air pollution abatement plans to be approved by the Board of Commissioners.

Sec. 707 Industrial, Intensive.

707 (a) Salvage, junk and wrecking yards.

Vehicle or other salvage and wrecking yards, and junkyards, are subject to the following requirements:

- (1) The use shall be enclosed by an opaque fence (including chain link with interwoven solid strips, or adequate landscaping) or wall not less than 8 feet in height, which provides visual screening;
- (2) No such activity may be conducted within 100 feet of any property line or within 300 feet of any property used for residential purposes;
- (3) All burning shall be in conformance with the State of Georgia Air and Water Pollution Act;
- (4) There shall be adequate drainage with no slope less than 5 percent in grade and shall be adequately maintained to prevent rodent and vermin infestation, and meet EPA specifications in regard to contamination;
- (5) Junk vehicles shall not be stacked or layered as to endanger public health and welfare;
- (6) The minimum areas for a junkyard shall be 10 acres and the maximum area shall be 25 acres;
- (7) Exterior lighting shall be arranged so that it is deflected away from adjacent properties and thoroughfares; and
- (8) The incidental sale of used parts, materials or equipment salvaged on the site shall be permitted.

707 (b) Quarries or mining operations.

- (1) Restrictions.
 - a. No operation is permitted between the hours of 7:00 pm and 7:00 am, or on Sundays, New Years, Independence Day, Thanksgiving or Christmas Day; however, this does not include routine maintenance during normal hours of operation.

- b. Areas being excavated shall be entirely enclosed within a fence located at least 10 feet back from the edge of any excavation and of such constructions and height as to be demonstrably able to exclude children and animals from the quarry area.
 - c. The excavation area must be surrounded by fencing constructed of woven wire fabric and barbed wire on metal posts or man-made earthen berms of at least 6 feet in height provided with thorny shrubs. Self-closing gates shall be provided at all points of vehicular or pedestrian ingress and egress and shall be locked when not in regular use.
 - d. All work areas shall be sufficiently illuminated, naturally or artificially, in accordance with the form of the operation and state hours of operation. No direct artificial illumination resulting from the operation shall fall on any land not covered by the application.
 - e. All equivalent sound levels at the boundaries of the property shall not exceed 60 dba for projects adjacent to residential, noise sensitive or public areas; 50 dba for projects adjacent to commercial and convention areas; 75 dba for projects adjacent to industrial areas. These measurements are in accordance with the standards promulgated by the American National Standards Institute (ANSI), and shall be made with a sound level meter using the (a-) weighting scale.
 - f. Vibration levels at the boundaries of the extraction site shall not exceed a minimum peak velocity of 1.0 inch per second, steady state and 2.0 inches per second impact state.
 - g. All gravel and pit access roads shall be maintained with a dustless, non-oiled surface.
 - h. For quarries and open pit mines, the maximum depth of excavation shall not be below existing groundwater, except in cases where the reclamation plan indicates that a lake or lakes will be a part of the final use of the land or where such plan indicates that adequate fill from overburden is to be used to refill such excavation. No excavation shall be allowed to lower the water table of the surrounding inhabited properties.
 - i. Notices shall be posed at regular intervals along the outer limits of the property, which shall warn against trespassing and shall contain a statement pertaining to the use of explosives, if applicable.
- (2) Distance requirements.
- a. Soil or sand removal or extraction operations.
 - b. Such uses shall not be established within 500 feet of a residential use or 200 feet of any other use.
 - c. Quarries and open pit mines.
 - d. The operational and removal area of such uses shall not be established within 4,000 feet of a residential use and within 2,000 feet of any other use.
- (3) State permits.

A copy of the State permit approval shall be maintained on file with the Planning & Development Department.

707 (c) **Waste handling or disposal.**

(1) Recycling collection location.

A location containing metal or heavy-duty plastic containers, bins, or dumpsters designed for short-term holding of pre-bagged recyclable items such as tin, aluminum, glass, and paper (no perishable or food items allowed) for scheduled minimum monthly pick up with no on-premise sorting shall meet the following requirements:

- a. The center must be maintained in a safe, clean, neat, and sanitary fashion and shall not encompass an area larger than ½ acre.
- b. Such location shall be visually screened and maintained.
- c. All containers, bins or dumpsters and all vehicle maneuvering and parking areas (other than access driveways) shall be within the building setbacks.

(2) Materials recovery center.

The operation of material recovery center facilities may be permitted subject to special use approval on private property located in the LI and HI industrial districts subject to the following requirements:

- a. The facility must be set back a minimum of 1,000 feet from any residential use.
- b. All activities must be conducted in a fully enclosed building; no outside storage of materials.
- c. An opaque fence or cyclone (chain link) type fence, 6 feet high, must enclose the entire business, which shall be maintained in good condition and does not detract from the surrounding neighborhood.

(3) Wood chipping/shredding and yard trimming composting facilities.

- a. Composting materials shall be limited to tree stumps, branches, leaves and grass clippings or similar vegetative materials, and not include animal products, inorganic materials such as bottles, cans, plastics or metals, or similar materials.
- b. A 3 foot high landscape earthen berm with a maximum slope of three to one and/or a minimum 6 foot high, 100 percent opaque, solid wooden fence or masonry wall shall be constructed around the entire perimeter of the facility.
- c. The fence/wall or berm must be located outside of a public right-of-way and interior to any landscape strip. The finished side of a fence/wall shall face the exterior property lines.

(4) Landfills, sanitary.

Private sanitary landfills are only permitted in a Heavy Industrial District and are subject to the following requirements:

- a. Special use approval required. A special use permit application shall be submitted with design plans, specifications, maintenance and operation information, including the following:
 1. Proposed location;
 2. Fire protection;
 3. Drainage courses passing through or adjacent to site;
 4. Location of access roads;
 5. Special drainage devices.
 6. Number and type of equipment;
 7. Maintenance and operation procedures;
 8. Certificate of acceptance from Lumpkin County Health Department;
 9. A copy of the completed application to be submitted for State permit approval; and
 10. Other pertinent information necessary to indicate the development, operation, and appearance of the completed sanitary landfill disposal area.
- b. No person may locate or operate a disposal area for collection or disposal of putrescible waste, rendering plant waste, hatchery and poultry processing plant waste, which will likely create a nuisance; be conducive to insect and rodent infestation or the harboring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; or likely create other hazards to the public health or safety as may be determined by the Lumpkin County Health Department.
- c. Written approval of the Health Department shall be issued before any landfill operation begins.
- d. Compliance with all applicable federal and state laws and permit requirements is required on a continuing basis. Violations of state or federal requirements shall be grounds for revocation of special use approval as deemed necessary to protect the public health, safety and general welfare.
- e. No bio-medical or hazardous wastes as defined by federal and state laws shall be disposed or discharged into the landfill site.
- f. No garbage shall be disposed of within 2,000 yards of a public street or highway or a residence, or in any case within 2,000 feet of the periphery of the property, unless approved by the Board of Commissioners.
- g. The location of the sanitary landfill shall be determined by on-site testing or from reliable survey data to indicate soil conditions, water table and subsurface characteristics so as to prevent any drainage or leaching from the sanitary landfill into surface or ground waters. The landfill shall be fully lined and provided with leachate control.
- h. Soils of the site of any sanitary landfill shall be capable of handling the refuse, as shown in the U.S. Department of Agriculture soil survey, and the

landfill shall not constitute a nuisance in the form of odors, smoke, blowing papers, stagnant water, or the breeding and spreading of vermin.

- i. Supplemental insect and rodent control measures shall be instituted by the person responsible for the operation of the disposal area when considered necessary by the Lumpkin County Health Department. No animals may be permitted to feed within the disposal area.
- j. Dead animals shall be placed into the body of the fill, or their designated areas approved by the Lumpkin County Health Department upon arrival at the disposal site and covered immediately.
- k. A separate vehicle unloading area may be used for the landfilling of bulky materials such as tree trunks, tree stumps, oil drums, discarded furniture, appliances and automobiles, which do not contain garbage, putrescible waste or hazardous waste.
- l. Truck traffic routes and entrances to the facility shall be approved by the County Engineer. All weather access roads shall be provided.
- m. The sanitary landfill site must be accessible without traveling over residential streets.
- n. All sanitary landfills hereafter established or operated shall be enclosed with a fence at least 6 feet high with openings not more than those in 2 inch mesh wire or some other similar fencing materials or device. Such fencing shall be adequate to prevent paper or related refuse from blowing from the landfill onto neighboring property.
- o. All sanitary landfills shall have an operator in attendance at all times when the landfill is in use, and such landfill must be barricaded when closed to the public.
- p. Storm sewers shall accommodate any changes in the normal drainage of the property upon which the sanitary fill is located as necessary to properly care for drainage: such storm sewers shall be installed at the expense of the user.
- q. All solid waste must be compacted. All operators of sanitary landfills must pack and cover daily all materials placed that day with at least 6 inches of earth in such a manner as to prevent fires and meet any and all other requirements of the Fire Code. All completed landfills must be covered with at least 2 feet of earth. Burning of any kind of refuse is prohibited.
- r. Fire Control.

At least one of the following methods shall be provided to control fires:

- 1. Access to a supply of water at the sanitary landfill site.
- 2. Have access to an organized fire department which will provide service upon call; or
- 3. Maintain a stockpile of earth adjacent to the working face of the fill.

(5) Landfills, solid fill.

- a. A development permit may be issued in any character area for filling of a specific natural land depression with earth, provided that:

1. Such fill shall not include garbage or trash, materials subject to decomposition such as tree stumps, dry waste building materials, or any materials that contain internal voids such as concrete block; and
2. Such facilities shall be allowed only in areas incapable of development without landfill operations.
- b. Solid fill landfills intended for the disposal of dry waste building materials, broken concrete or asphalt paving, or other materials not subject to decomposition, are allowed in any character area, subject to the following:
 1. Special use approval is granted by the Board of Commissioners;
 2. Such fill shall not include garbage or trash, or materials subject to decomposition such as tree stumps.
- (6) Bury pits.
 - a. The disposal by burial of dry waste building materials on a lot or within a development that is generated while a structure is under construction is prohibited. Such waste shall be removed from the property prior to issuance of a Certificate of Occupancy for the structure.
 - b. The disposal of domestic garbage or trash and the disposal of commercial and industrial waste products shall only be allowed in a sanitary landfill or as otherwise permitted or required by the County Health Department and in compliance with all applicable state and federal laws.

Sec. 708 Institutional Uses.

708 (a) Cemeteries, mausoleums and crematories.

(1) New cemeteries.

Cemeteries for human or animal interment are required to meet the following minimum requirements:

- a. Minimum lot size of 20 acres, except for church cemeteries that shall have at least 5 acres devoted to such use.
- b. All graves or burial lots shall be set back not less than 50 feet from any property line or street right-of-way lines.
- c. Minimum public road frontage of 100 feet when the cemetery is a principal use.
- d. Permanent public ingress/egress shall be provided.
- e. Compliance must be maintained with all requirements of the State of Georgia and the County Tax Commissioner.

(2) Crematories use must meet the following requirements:

- a. Minimum lot size of 5 acres unless an accessory use to a cemetery.
- b. Not abutting any residential property line.

(3) Mausoleums.

Mausoleums are permitted in conjunction with a cemetery provided that all requirements for the cemetery have been satisfied.

(4) Existing cemeteries.

Any cemetery or place of burial recognized by the Lumpkin County Tax Commissioner as tax exempt (under O.C.G.A. 48-5-41), and any “family plot” or other burial ground discovered on the site, must be protected under the requirements of State law (O.C.G.A. 36-72-1 *et seq.*). State law currently defines “burial ground” and “cemetery” as follows:

- a. “Burial ground” means an area dedicated to and used for interment of human remains. The term shall include privately owned burial plots, individually and collectively, once human remains have been buried therein. The fact that the area was used for burial purposes shall be evidence that it was set aside for burial purposes.
- b. “Cemetery” or “cemeteries” means any land or structure in this state dedicated to and used, or intended to be used, for interment of human remains. It may be either a burial park for earth interments or a mausoleum for vault or crypt interments or a combination of one or more thereof.

708 (b) **Churches and other places of worship.**

Churches, chapels, temples, synagogues, and other such places of worship must meet the following minimum requirements:

(1) Development Requirements.

- a. Minimum site area of 2 acres.
- b. Structures associated with said use to be located a minimum of 50 feet from any property line.
- c. Structures associated with said use to be limited to the height restrictions applicable to the character area in which the use is located.
- d. When abutting any property occupied by a residence, a 35-foot wide buffer shall be required.
- e. Lighting plan to be approved by the Board of Commissioners.
- f. Outside of village centers or corridors, access shall be derived directly from a major collector or arterial street.

708 (c) **Schools.**

Private schools of general and special education are subject to following minimum requirements:

- (1) Minimum lot size of 5 acres.
- (2) Minimum public road frontage of 100.
- (3) Overall parking and landscape plan for the entire site to be approved by the Board of Commissioners.
- (4) Temporary mobile classrooms require a special use permit.

Sec. 709 Residentially Based Uses.

709 (a) **Guesthouses and accessory apartments.**

Guesthouses and accessory apartments are encouraged in all character areas to provide a source of relative and/or affordable housing.

- (1) The guest house/accessory apartment must be an accessory use to a dwelling already existing on the lot.
- (2) The water supply and sanitary sewage disposal system for the lot must be certified as adequate to support the guesthouse in combination with the main house.
- (3) Guest Houses must be architecturally compatible with the main unit.
- (4) The Guest House must be placed to the rear of the main house.
- (5) The floor area of the guesthouse shall not exceed 50% of the existing living area of the principal residence.
- (6) Adequate parking and access shall be provided.

709 (b) **Personal care homes.**

- (1) General restrictions.
 - a. A personal care home of any type (family, group or congregate) shall be at least 1,000 feet from any other personal care home (of any type).
 - b. A personal care home shall not function as a work release facility for convicts or ex-convicts, function as a drug rehabilitation center, or function as a facility serving as an alternative to incarceration, shall be allowed only within commercial villages and corridors.
 - c. Family and group personal care homes shall be treated as a residential use in terms of buffers and setbacks.
 - d. Congregate personal care homes shall be treated as a "neighborhood commercial use."
- (2) Categories of personal care homes.
 - a. Family personal care home.
A family personal care home is limited to no more than 6 persons under care.
 - b. Group personal care home.
A group personal care home is limited no more than 15 persons under care.
 - c. Congregate personal care home.
A congregate personal care home may provide care to more than 15 persons. Resident managers.
- (3) The managing caregiver of a family personal care home must be the owner of the property and a full-time resident of the facility.

This needs to take into account "vacation cabins"—maybe suggest amending that ordinance? How does this relate to plain camp sites?

The managing caregiver of a group personal care home must be a full-time resident of the facility.

709 (c)

Recreational vehicle and travel trailer parks.

- (1) No recreational vehicle or travel trailer park shall be located except with direct access to a county, state or federal highway, with minimum lot width of not less than 50 feet from the portion used for entrance and exit.
- (2) The minimum lot area per park shall be a listed within each character area.
- (3) Spaces shall be rented by the day or week only, with a maximum rental period of 30 days. Rental spaces shall not be within 50 feet of the right-of-way line of any freeway, expressway, or street.
- (4) Accessory uses and related parking shall be a maximum of 10% of the area of the park, and shall be for the use and benefit of park guests;

709 (d)

Small Transient Lodging.

Small transient Lodging shall consist of transient lodging of less than 25 rooms. Examples of such lodging are bed and breakfast inns, country inns, lodges, rooming and boarding houses. The following restrictions apply:

- (1) Maximum length of stay shall not exceed 14 days.
- (2) Must meet the minimum acreage requirements of the specific character area.
- (3) No parking area for guests to be located closer than 25 feet to any residential property line.
- (4) Any retail activity, such as a restaurant or gift store that is open to the general public shall meet the specific requirements listed for that use.

Sec. 710

Utility Structures.

Utility structures serving more than one lot, such as electric transformer stations, telephone exchanges, telephone towers, gas regulator stations, water and waste-water pumping stations, and water tanks, may be located in any character area as necessary to serve the public interest, provided such facilities comply with the following requirements:

- (1) Any building or structure, except a surrounding fence, shall be set back at least 30 feet from any property line.
- (2) The facility shall be completely surrounded by a security fence at least 8 feet high.
- (3) When located in any residential district, the facility shall be furnished with a planted buffer not less than 10 feet wide to create an effective visual screen on all sides bordering residential property.
- (4) The facility may not be used for office space, storage space, or for the storage of vehicles.

Chapter 8. Parking and Loading Requirements

Sec. 801 Purpose of Chapter ____.

This Chapter presents the minimum standards for vehicle parking for all land uses in the county, including design and construction standards, and for commercial vehicle loading areas.

Sec. 802 Definitions related to parking and loading.

Parking Lot: Any public or private area at grade used for the express purpose of temporarily parking automobiles and other vehicles otherwise in operation for personal or business use.

Parking Space: A space identified and set aside for the temporary parking of an automobile or other motor vehicle.

Parking Aisle: The traveled way, which is not the public right-of-way, by which cars enter and depart parking spaces.

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Parking Lot Island: A landscaping strip located in a parking lot. Such islands must be sized to allow the plants and trees located within it to grow to their mature size.

Sec. 803 Off-street parking; when required.

Permanent off-street parking spaces shall be provided in accordance with the requirements of this Chapter whenever any of the following occurs:

- (1) At the time of the establishment of any use, or erection of any building.
- (2) At the time of occupancy of a building by a new use.
- (3) At the time any principal building is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area.

Sec. 804 Number of parking spaces required.

804 (a) Parking for residents, employees, customers and visitors.

Space for the parking of motor vehicles must be provided on every property that contains a principal use, for the safety and convenience of the people who live or work on the property, shop or do business on the property, or otherwise visit the property in the normal course of activity of the principal use.

- (1) Minimum number of parking spaces required.

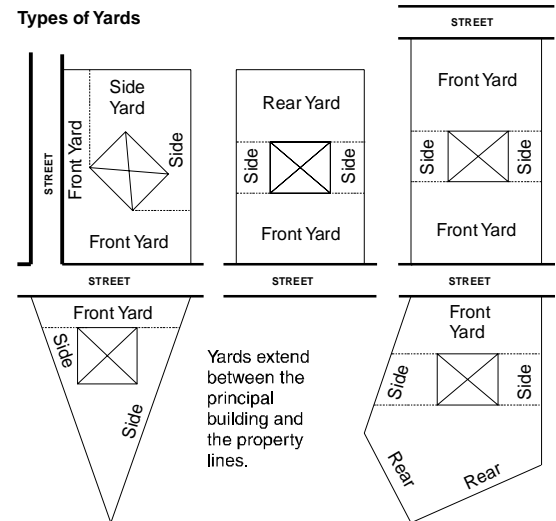
The minimum number of off-street parking spaces to be provided for residents, employees, customers and visitors for each type of land use shall be determined by the following Table **Error! Reference source not found..1**, rounded up to the nearest whole parking space. Developments containing two or more of the uses listed on Table **Error! Reference source not found..1** shall provide the number of spaces required for each use (except as may be reduced under Shared Parking, below).

(2) Maximum number of parking spaces allowed.

The maximum number of parking spaces allowed on a nonresidential property for employees, customers and visitors shall not exceed 120% of the minimum number of parking spaces required, as determined for the type of land use by the following Table **Error! Reference source not found..1**.

(3) Reduction in minimum required spaces.

The minimum number of parking spaces required under Section 804 (a)(1) may be reduced by 20% for those parking spaces provided in parking lots located in a side or rear yard of a property (as defined in this Code). A reduction in required landscaping for lots not visible from the street also may be available, in accordance with the provisions of Chapter ____.



804 (b) **Parking for company-owned vehicles not included.**

Every business that stores vehicles owned by the business on site overnight (such as a company fleet), or maintains a stock of vehicles as part of its business activities (such as a car sales lot, a salvage and wrecking yard, car rental agency, etc.), shall provide for adequate parking or storage for the vehicles such that no parking occurs in a public right-of-way or in an area that has not been improved as a parking lot or storage yard. Such parking spaces shall be in addition to those required for residents, employees, customers and visitors.

804 (c) **Maneuvering lanes not considered parking.**

Areas designated for temporary occupancy of vehicles while maneuvering on a site, such as queuing lanes for a drive-in window, are not considered parking spaces.

Table Error! Reference source not found.-1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
a. RESIDENTIAL		
1. Single-Family Residence	2	Dwelling Unit
2. Two-Family Residence	2	Dwelling Unit

Table Error! Reference source not found.-1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
3. Multi-Family Residence:		
(a) Efficiency apartment	1	Dwelling Unit
(b) 1-bedroom unit or larger	2	Dwelling Unit
(c) Mobile Home Park	2	Per Unit
4. Retirement Community	1	Dwelling Unit
5. Membership Dwellings, Personal Care Homes, Nursing Homes	1	2 residents or beds
6. Bed & Breakfast, Rooming House, Boarding House	1	Room to be rented
7. Hotel or Motel:		
(a) Convention hotel, or a motel with a res- taurant or lounge.	1½	Room
(b) Non-convention hotel or a motel with no restaurant	1	Room
b. COMMERCIAL		
1. Offices: general and professional offices, in- surance and real estate offices	3½	1,000 sf ¹ of GFA ²
2. Banks	4½	1,000 sf of GFA
3. Offices - Medical & Dental	5	1,000 sf of GFA
4. Funeral Home	35	Viewing Room
5. Daycare Center	1	400 sf of GFA
6. Movie Theater	1	4 Seats
7. Service Station, Gas Station, Auto Repair Shop or Garage	3 5	Service bay, plus 1,000 sf of retail space
8. Automobile, Truck, Recreation Vehicle, Manu- factured Home or Utility Structure Sales	2 1 3	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display, plus Service bay
9. Custom Service Restaurant: ³		
(a) Quality restaurant	16	1,000 sf of GFA
(b) Family Restaurant	9½	1,000 sf of GFA

¹ Square feet.

² Gross floor area—the total area of all floors, measured between the exterior walls of a building.

³ Defined as follows:

Restaurant, Custom Service: An establishment where food and drink are prepared to individual order, ordered and served at the table, and consumed primarily within the principal building or in established outdoor dining areas.

Restaurant, Family: A Custom Service Restaurant primarily oriented to sit-down service, occasionally with take-out service but no drive-in or drive-through facilities, and having an average turnover rate generally of less than 1 hour. Family restaurants are usually moderately priced and frequently belong to chains such as Denny's, Pizza Hut and Shoney's.

Table Error! Reference source not found.-1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
10. Fast Food Restaurant	14	1,000 sf of GFA
11. Bowling Center	4	Lane
12. Amusement Parlor, Recreational Attraction, Roller Skating or Ice Skating Rink	6	1,000 sf of GFA
13. Health Club or Fitness Center	4½	1,000 sf of GFA
14. Shopping Centers:		
(a) Less than 100,000 sf of GLA ⁴	4 3 10	1,000 sf of total GLA, plus 100 movie theater seats, plus 1,000 sf of food service area
(b) 100,000-199,999 sf of GLA	4 3 6	1,000 sf of total GLA, plus 100 theater seats over 450, plus 1,000 sf of food service area
(c) 200,000-399,999 sf of GLA	4 3	1,000 sf of total GLA, plus 100 theater seats over 750
(d) 400,000-599,000 sf of GLA	4½ 3	1,000 sf of total GLA, plus 100 theater seats over 750
(e) 600,000 or more sf of GLA	5 3	1,000 sf of total GLA, plus 100 theater seats over 750
15. Supermarket	4	1,000 sf of GFA
16. Furniture or Carpet Store	2	1,000 sf of GFA
17. Building Supplies, Brick or Lumber Yard	2 1	1,000 sf of indoor sales area, plus 2,500 sf of outdoor display
18. Retail Sales or Service establishments not listed above	5	1,000 sf of GFA
c. INDUSTRIAL AND MANUFACTURING		
1. Wholesale, Office-Warehouse	1 1	200 sf of office space, plus 1,000 sf of storage area
2. Open storage of sand, gravel, petroleum, etc.	1	2,500 sf of outdoor sales area, if any
3. Warehouse, Transfer and Storage	1	600 sf of GFA
4. Warehouse including commercial sales to the public	1 1	200 sf of sales or office, plus 1,000 sf of storage area
5. Manufacturing	2½	1,000 sf of GFA
d. INSTITUTIONAL AND OTHER		
1. Hospital	1.8	Bed

Restaurant, Quality: A Custom Service Restaurant primarily oriented to fine dining and often associated with a particular cuisine. Quality restaurants are characterized by table settings of better silverware, china, glassware and cloth tablecloths, and have average turnover rates generally of 1 hour or more.

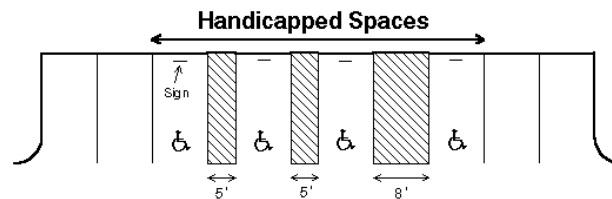
⁴ Gross leasable area—the total area of all floors intended for occupancy and the exclusive use of tenants, specifically excluding public or common areas such as utility rooms, stairwells, enclosed malls and interior hallways.

Table Error! Reference source not found.-1: Minimum Parking Spaces by Use

Use	Number of Parking Spaces:	Required for Each:
2. Auditoriums, churches, theatres, stadiums, and other places of assembly	1 1 1	4 seats, or 12 feet of pew, or 100 sf in the largest assembly room
3. College (instructional space)	10	Classroom
4. Technical College, Trade School	10	Classroom
5. Senior High Schools	6	Classroom
6. Elementary & Jr. High Schools	2	Classroom
7. Library or museum	2	1,000 sf of GFA
8. Civic Clubs, Museums, Fraternal Lodges, etc.	1	200 sf of GFA

804 (d) Handicap accessible parking spaces.

- (1) Handicapped spaces are to be provided as required by the federal Americans with Disabilities Act for all multi-family and nonresidential uses.
- (2) Handicap accessible parking spaces shall be counted as part of the total number of parking spaces required under this Chapter.
- (3) Handicap accessible parking spaces shall have an adjacent aisle 5 feet wide, and one in every 8 handicapped spaces shall be adjacent to an aisle 8 feet wide and the space shall be signed "van accessible." Handicapped parking



space aisles shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

- (4) Handicap accessible parking spaces shall be located on a surface with a slope not exceeding 1 vertical foot in 50 horizontal feet (1:50).
- (5) Handicap accessible spaces shall be provided in each parking lot in the following ratio to the total number of spaces otherwise required for the use under Table **Error! Reference source not found..2**

Table Error! Reference source not found..2: Handicap Accessible Spaces Required

Total Spaces Required for Use	Minimum Number of Handicap Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
1,001 and over	20, plus 1 for each 100 over 1,000

Source: Americans with Disabilities Act Accessibility Guidelines.

- (6) Wheelchair ramps shall be provided in accordance with County specifications at locations appropriate to normal travel routes from the parking lot to the principal use. (See Lumpkin County *Standard Details*.)
- (7) In addition to the requirements of this subsection, all handicapped parking shall comply with the requirements of the federal Americans with Disabilities Act and the Georgia Accessibility Code.

804 (e) **Dedication to parking use.**

- (1) Parking spaces provided to meet the minimum requirements of this Chapter, along with the aisles and driveways necessary to provide access to those spaces, shall not be used for any other purpose than the temporary parking of vehicles. Specifically, no such parking area may be used for the sale, repair, dismantling or servicing of any vehicles, or for the sale, display or storage of equipment, goods, materials or supplies.
- (2) Parking spaces provided to meet the minimum requirements of this Chapter shall not be used to meet the minimum parking requirements of any other use, except as provided for shared parking, below.
- (3) Parking spaces provided to meet the minimum requirements of this Chapter shall not be reduced in number nor otherwise lose their functional ability to serve the land use for which they were required.

Sec. 805 Shared parking.

The parking spaces provided for separate uses may be combined in one parking lot but the required spaces assigned to each use may not be assigned to another use, except as follows:

805 (a) **Shared parking between day and night users.**

One-half of the parking spaces assigned to a church, theater or assembly hall whose peak attendance will be at night or on Sundays may be assigned to a use that will be closed at night or on Sundays.

805 (b) **Mixed-use developments.**

Parking spaces may be shared by more than one use if the Director of Planning & Development finds that the total number of spaces will be adequate at the peak hours of the uses they serve. The ratios on Table **Error! Reference source not found.**3 may be used in determining the time of day and the day of the week at which the maximum number of spaces will be needed by the uses served by the shared parking facility.

805 (c) **Availability of shared spaces.**

Parking spaces that are proposed to be shared among two or more uses must be clearly available to each use and not appear in any way to be serving a particular use, either through signage dedicating the spaces or through design techniques that would tend to orient use of the spaces to a particular business or building.

805 (d) **Recordation of shared parking agreement.**

Shared parking arrangements must be committed to writing in an instrument acceptable to the Director of Planning & Development, and approved by the owners

of each of the affected properties or uses. The instrument must be approved by the Director of Planning & Development and shall be recorded with the Clerk of the Superior Court, and a copy of the recorded document must be supplied to the Director of Planning & Development. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.

Table Error! Reference source not found..3: Percentage of Required Parking Spaces by Time Period

	Weekdays		Weekends		Nighttime
	6 am to 5pm	5pm to 1am	6 am to 5pm	5pm to 1am	1am to 6am
Office	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Recreation	40%	100%	80%	100%	10%
Church	10%	25%	100%	100%	10%

By way of example, the following illustrates shared parking calculations for a particular mixed-use development:

Example:

Spaces needed for uses in a mixed-use project, calculated individually:

	Factor	for	Spaces
Office	3.5/1,000	100,000 sf	350
Retail	5/1,000	100,000 sf	500
Hotel w/Restaurant	1.5/room	100 rooms	150
Family Restaurant	9.5/1,000	20,000 sf	190
Theater	1/4 seats	200 seats	50
Church	1/4 seats	400 seats	100
TOTAL if figured separately			1,340

Spaces Required applying the Peak Demand Percentages to the Example:

	Weekdays		Weekends		Nighttime
	6 am--5pm	5pm--1am	6 am--5pm	5pm--1am	1am--6am
Office	350	35	35	18	18
Retail	300	450	500	350	25
Hotel w/Restaurant	113	150	113	150	113
Family Restaurant	95	190	190	190	19
Theater	20	50	40	50	5
Church	50	50	100	100	10
TOTAL	928	925	978	858	189

Highest demand = 978 (instead of 1,340)

Sec. 806 Proximity of off-street parking spaces to use.

806 (a) Location of parking spaces.

All parking spaces required to meet the minimum standards of this Chapter shall be located in proximity to the use that the spaces serve, as follows:

Table Error! Reference source not found..4: Location of Parking Spaces

Use	Parking Location
Single-Family or Two-Family Residence (including Manufactured Homes)	On the same lot occupied by the residence.
Townhouse Development	Each required parking space must be within 100 feet of an entrance to the dwelling unit that it serves, as measured along the most direct pedestrian route.
Other Multi-Family Developments (such as apartments) and congregate care facilities (such as nursing homes)	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Church, Hotel or Motel, Hospital	Each required parking space must be within 300 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.
Retail Sales Establishment or Office Building, other than a Shopping Center	Each required parking space must be within 300 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Shopping Center or Industrial Use.	Each required parking space must be within 400 feet of an entrance to the building or use that it serves, as measured along the most direct pedestrian route.
Any other use not specified above.	Each required parking space must be within 200 feet of an entrance to the building that it serves, as measured along the most direct pedestrian route.

806 (b) Off-site parking.

If required parking spaces are not located on the same lot as the particular use, building or establishment they are intended to serve, the following shall apply:

- (1) The parking spaces must be located on a property that has the same zoning classification as the property that the spaces serve.
- (2) No required parking spaces may be located across any State or US highway from the use they are intended to serve.
- (3) An easement (or other recordable instrument satisfactory to the Director of Planning & Development) dedicating the off-site parking to the property that the spaces serve shall be recorded with the Clerk of the Superior Court and a

copy provided to the Director of Planning & Development. The document must be written to survive future changes in ownership in perpetuity, unless the agreement is dissolved with approval by the Board of Commissioners.

- (4) Off-site parking spaces shall be located in proximity to the use that the spaces serve, in accordance with the locational requirements of Table ~~Error! Reference source not found.~~~~Error! Reference source not found.~~~~Error! Reference source not found.~~~~Error! Reference source not found.~~.4, above.

Sec. 807 **Design requirements for parking lots.**

The provisions of this Section apply to all off-street parking spaces and parking areas, whether 1) the parking is intended to serve a particular use or 2) the parking lot is operated as a principal use on a property and not dedicated to serving a particular use.

807 (a) **Orientation to street.**

All areas devoted to off-street parking shall be so designed and be of such size or provided with a turnaround or other provisions such that no vehicle is required to back into a public street to obtain access.

807 (b) **Orientation to driveway.**

No parking spaces shall be accessible directly from an access driveway within the first 30 feet of the driveway back from the street right-of-way line.

807 (c) **Orientation to principal building.**

- (1) In the Gateway Corridor character area, no more than 50% of the required minimum number of parking spaces for a nonresidential use may be located between the principal building on a property and an adjoining street (i.e., within a front yard, as defined by this Code). The number of spaces provided in a side or rear yard, as defined by this Code, may be reduced in accordance with Section 804 (a)(3).
- (2) In all other character areas, nodes and corridors, parking is encouraged to be located in a side or rear yard, as defined by this Code, allowing the parking requirement on the property to be reduced in accordance with Section 804 (a)(3).

807 (d) **Minimum parking space size.**

Every parking space shall provide a useable rectangular area at least 9 feet wide by 20 feet long. Access aisles shall not encroach into this minimum rectangular area. Every parking space shall be clearly demarcated by lines painted on or otherwise applied to the parking lot surface.

Note – Sub
Regs allow 18
feet. This is
too small
unless the
aisles are
widened.

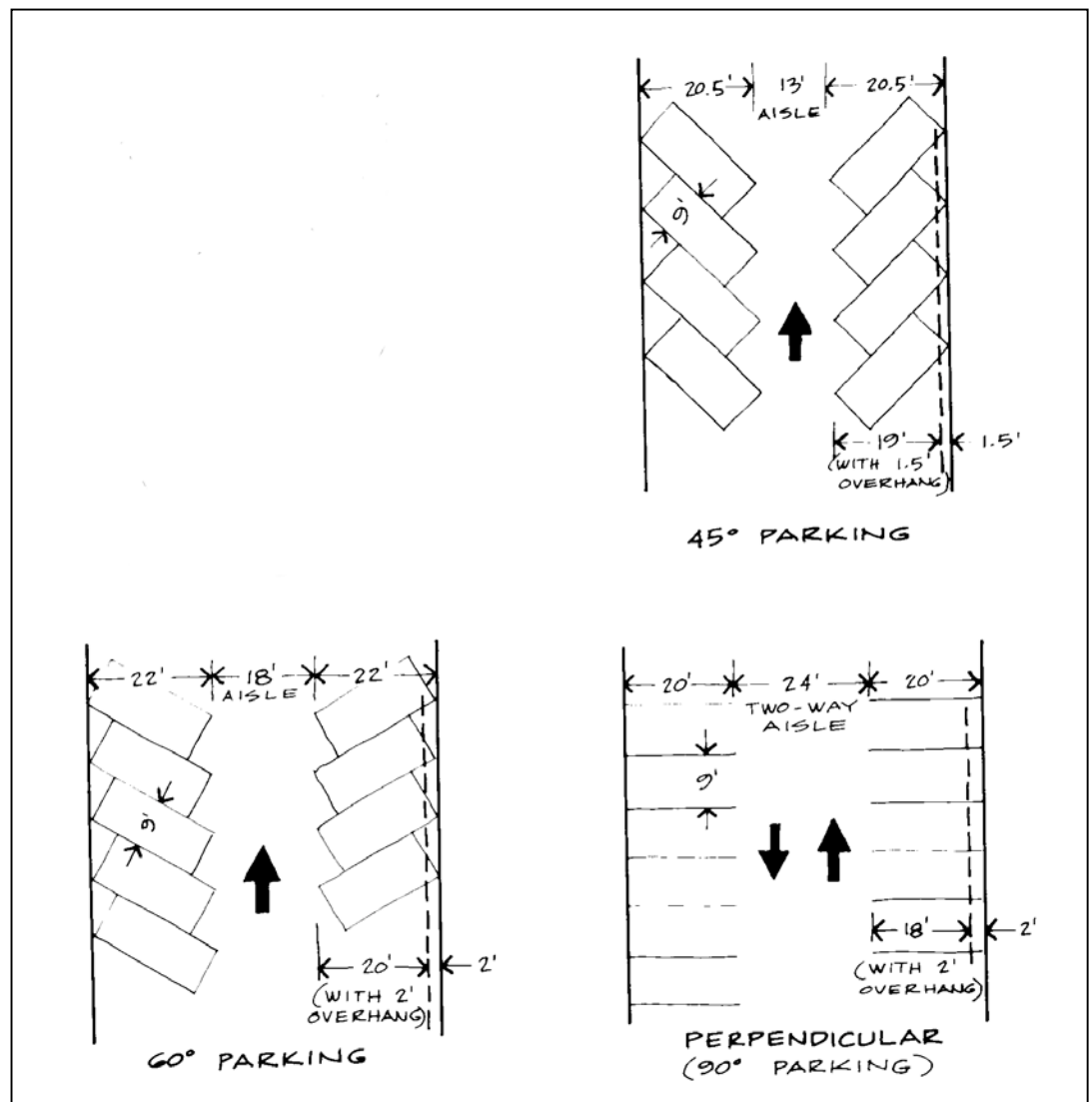
807 (e) **Access and circulation.**

- (1) Access aisles in parking lots must be at least 24 feet wide serving spaces that are perpendicular (90°) to the access aisle, and provide for two-way traffic. Access aisles serving spaces that are oblique (slanted) to the access aisle shall be limited to one-way traffic, and shall have the following minimum widths: 18 feet wide serving spaces that are at a 60° angle to the aisle, and 13 feet wide serving spaces that are at a 45° angle to the aisle. (See the Parking Illustration,

below.) Angles less than 45° to the access aisle are not allowed, except for parking spaces that are parallel to the access aisle.

- (2) One-way traffic aisles must be clearly marked with directional arrows on the pavement at each intersection with another aisle.
- (3) Ingress and egress to parking areas shall be by means of paved driveways from the adjoining street.
 - a. The minimum width of driveways for ingress and egress shall be the same as those specified above for aisles. Driveway width, for the purpose of this section, shall include only the pavement and not the curbs and gutters.
 - b. The slope of ingress and egress driveways at their connection to the adjoining street shall not exceed that allowed by County specifications for landings at residential street intersections.

Figure Error! Reference source not found..1: Parking Illustration



- (4) The distance from a parking area access drive to the intersection of two streets, and the distance between driveways at the street right-of-way between adjacent properties, shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses. Distances must be measured from the back of the driveway curb at the right-of-way line (or from the edge of the driveway if curbs are not required).
- (5) The number of driveways that access a property from any one street, road or highway shall be limited as follows:
 - a. A permit to access a State Road must be obtained from the Georgia Department of Transportation and submitted to the County Engineer before the driveway access can be approved.
 - b. Along State or U.S. numbered highways, and along all other major collector and arterial thoroughfares, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage, or fraction thereof.
 - c. Along all other streets or roads, no more than 2 points of vehicular access from a property to each abutting public road shall be permitted for each 400 feet of lot frontage, or fraction thereof; provided however, that lots with 150 feet of frontage or less shall have no more than one point of access to any one public street. The County Engineer shall determine whether the points of access may be unrestricted or will have to be designed for right-in, right-out traffic flow.
- (6) Inter-parcel access.

Inter-parcel access between parking lots provided for employees, customers and visitors on adjoining commercial properties shall be required as follows:

- a. Internal access easements required.

For any office or retail sales or commercial services use, the property owner shall grant an access easement as described in this Section to each adjoining property that is used, or comes to be used in the future, for an office or retail sales or commercial services use. The purpose of the easement is to facilitate movement of customers from business to business without generating additional turning movements on the public street, thus increasing public safety.

- b. Access easement provisions.

The internal access easement shall permit automobile access from the adjoining property to driveways and parking areas intended for customer or tenant use; but parking spaces may be restricted to use by the owner's customers and tenants only.

1. Inter-parcel vehicle access shall be required between contiguous properties when the parking areas are or will be in reasonable proximity to one another.
2. All internal access easements shall be no less than 28 feet in width and shall be improved to a minimum paved width of 24 feet in order to accommodate two-way vehicular traffic to and from the adjoining properties.

3. Inter-parcel access shall not be allowed within 35 feet of the right-of-way of any public street or road.
4. The granting of an internal access easement on a property shall be effective only upon the granting of a reciprocal easement by the adjoining property owner.
5. Upon the availability of access to driveways and parking areas of the adjoining lot, the pavement or other surfacing of each owner's driveways and parking areas shall be extended by each owner to the point of access on the property line.

c. Relief.

Where the proposed land use is such that adverse impact of the required easement on use of the property would outweigh the reduced impact on the public street provided by the reciprocal easements, the Planning Commission may waive the requirement for the access easements, in whole or in part.

807 (f) **Setback requirements.**

- (1) Unenclosed off-street parking for single-family and two-family dwellings shall have no setback requirements.
- (2) Off-street parking for all other uses, including multi-family residential, commercial, industrial, and institutional uses, shall be set back from the front property line by at least 10 feet. An additional 10-foot setback from any buffer required along a side or rear property line shall also be maintained.
- (3) The required setback area between the front property line and the parking area shall be used for landscaping and/or screening as required in the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.

807 (g) **Lighting of parking areas.**

Any lights used to illuminate the parking area shall be arranged, located or screened to direct light away from any adjoining residential use. "Shoe box" recessed lighting fixtures on poles, and motion-detector security lighting, shall be utilized for this purpose.

Sec. 808 Improvement of parking areas.

808 (a) **Surfacing and curbing.**

- (1) All off-street parking areas for 10 vehicles or more, and their associated access drives and aisles, shall be improved with a permanent load-bearing surface consisting of one or more of the following:
 - a. Pavement consisting of a minimum of a 6-inch graded aggregate base overlaid with a 2-inch Type E or F asphalt surface.
 - b. Pavement consisting of a minimum 6-inch graded aggregate base, overlaid with a 6-inch course of 3,000 P.S.I. concrete.
 - c. Porous asphalt or concrete pavement installed to the manufacturer's specifications on a 95% compacted subbase.

Changed – small lots exempted rather than not requiring paving for commercial uses in ag and rural areas.

- d. Pervious paving materials installed to the manufacturer's specifications on a 95% compacted subbase.
- (2) For industrial uses, the above type of surface is required for customer, visitor, and employee automobile parking in accordance with Table 6-1, section c. For these uses, the following surface will be required in areas of truck loading docks and parking of commercial trucks and other heavy commercial equipment:
 - a. An 8-inch graded aggregate base, overlaid with a 3-inch Type E or F asphalt surface; or,
 - b. A 10-inch graded aggregate base, overlaid with a 12-inch course of 3,000 P.S.I. concrete.
- (3) Driveways and parking areas for single-family and two-family dwellings shall comply with the requirements imposed by the Subdivision Regulations.

808 (b) **Maintenance.**

Off-street parking areas shall be maintained in proper repair.

808 (c) **Drainage facilities.**

For any use that will require a parking area of 10 spaces or more, or a commercial vehicle loading area, to be newly constructed, added to, or altered in such a way as to affect drainage either on or off the site, storm water drainage plans, including grading plans, shall be submitted to and approved by the County prior to the issuance of a building permit or occupational license.

808 (d) **Permit required.**

Construction of a new parking lot or loading area, or expansion of an existing parking lot or loading area, requires issuance of a development permit from the Planning & Development Department.

808 (e) **Time limit.**

All required off-street parking areas shall be ready for use, including the above surfacing requirement, before the occupancy of the use (in the case of a new building or addition) or within 45 days after the issuance of an occupational license (in the case of a change of occupancy in an existing building). An extension of time may be granted by the County Engineer due to adverse weather conditions.

Sec. 809 Landscaping

All parking lots for 10 or more cars and areas set aside for loading of trucks or vans must provide landscaping as required by the Landscaping, Buffers and Tree Conservation requirements of this Code.

Sec. 810 Commercial vehicle loading.

810 (a) **Off-street commercial vehicle loading; where required.**

Any business or industrial building, hospital, institution, or hotel shall provide adequate off-street facilities for the loading and unloading of business merchandise, supplies, goods or freight within or adjacent to the building as deemed ap-

appropriate by the owner or occupants of the property. Such loading facilities, if provided, shall not obstruct freedom of vehicular traffic or pedestrian movement on the public streets and sidewalks.

810 (b) **Commercial vehicle loading on public streets.**

The loading or unloading of business merchandise, supplies, goods or freight within a street right-of-way is prohibited. Loading or unloading of furniture, equipment, or fixtures for the purpose of a home or business relocation may be allowed within a street right-of-way if:

- (1) The street is classified as a "local" street as defined in this Code; and,
- (2) Vehicular and pedestrian access is not completely blocked on the street; or,
- (3) The Sheriff's Department otherwise grants approval based on a determination that adequate traffic safety measures are implemented during the period of loading or unloading.

DIVISION I. SIGNAGE

Chapter 9. Sign Regulations

Sec. 901 Purpose and intent of Chapter 7.

901 (a) Purpose of sign regulation.

- (1) Regulation of the location, size, placement, and certain features of signs is necessary to enable the public to locate goods, services, and facilities in the county without difficulty and confusion, to improve the general attractiveness of the county, to take advantage of the beauty of the county's natural environment, and to protect property values therein. Such regulation is also necessary to facilitate and aid in the identification and location of businesses in the county in the event of police, fire, or other emergencies and to avoid confusion and delay in response to such emergencies. Accordingly, it is the intention of the County to establish regulations governing the display of signs that will:
 - a. Promote and protect the public health, safety and general welfare.
 - b. Provide for the expression of commercial and noncommercial speech by citizens and businesses in the county.
 - c. Enhance the economy of the county and the success of business and industry by promoting the reasonable, orderly, and effective display of signs.
 - d. Restrict signs and lights that increase clutter or which increase the probability of traffic accidents by obstructing or confusing the vision of drivers, bicyclists, or pedestrians.
 - e. Promote signs that are aesthetically compatible with their surroundings.
 - f. Insure proper maintenance, for safety and structural soundness, as well as the appearance and functionality of signs.
- (2) The purpose of this Chapter, therefore, is to support the economic vitality of the county through adequate identification of occupants, services, and events; to safeguard life through traffic safety; to protect the use of property, property values, and the public welfare; and to afford adequate opportunity for self-expression through free speech. These purposes are realized by regulating and controlling the number, location, size, sign type, and type of illumination of signs and sign structures so that all persons have ample opportunity to be equally heard and the public health, safety, and general welfare are adequately secured.

901 (b) Regulation of signs.

No sign shall be placed or maintained on any property, building or other structure within the unincorporated area of Lumpkin County except in conformity with this Sign Chapter.

901 (c) **Intent of sign regulations.**

Notwithstanding any other restrictions in this Sign Chapter, any sign authorized under this Chapter can contain any commercial or non-commercial message, other than messages containing nudity or obscenity as defined herein, or other than a sign that advertises an activity that is illegal under Georgia or federal laws.

Sec. 902 Definitions related to sign regulations.

The following words and phrases have specific meanings as used in this Chapter:

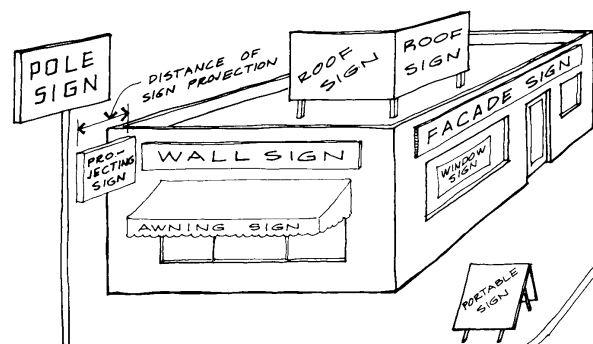
Awning: A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway, or window from the elements. Awnings are often made of fabric or flexible plastic supported by a rigid frame, and may be retracted into the face of the building.

Awning sign: See "Building Sign."

Banner: A sign other than an official flag, made of paper, cloth, thin plastic, or similar lightweight material, and usually containing a message or logo.

Building sign: A sign that in any manner is fastened to, projects from, or is placed or painted upon the exterior wall, window, door, or roof of a building. The term "building sign" includes but is not limited to the following:

- (1) *Awning sign:* A sign imposed, mounted or painted upon an awning.
- (2) *Mansard sign:* A sign imposed, mounted or painted upon a mansard and not extending above the top of the mansard.
- (3) *Marquee sign:* Any sign attached flat against the marquee or permanent side-walk canopy of a building and not extending above the top of the marquee.
- (4) *Parapet sign:* A sign imposed, mounted or painted on a parapet and not extending above the top of the parapet.
- (5) *Projecting sign:* A sign affixed to a wall and extending more than 8 inches from the surface of such wall, usually perpendicular to the wall surface.
- (6) *Roof sign:* A sign that is mounted on, applied to, or otherwise structurally supported by the roof of a building.
- (7) *Under-canopy sign:* A display attached to the underside of a marquee or canopy and protruding over private sidewalks.
- (8) *Wall (or façade) sign:* A sign that is fastened directly to or is placed or painted directly upon the exterior wall of a building, with the sign face parallel to the wall, and extending from the surface of the wall no more than 8 inches.
- (9) *Window sign:* A sign that is placed on or behind a windowpane or glass door



and intended to be viewed from outside the building.

Canopy: A permanent roof-like structure projecting from a building and open on at least one side for the purpose of shielding a pedestrian walkway from the elements, or a freestanding roof-like structure supported by columns intended to shield a vehicular driveway or service area from the elements.

Changeable copy sign:

- (1) *Automatic changeable copy sign:* A sign on which the copy changes automatically on a lamp bank or through mechanical means, e.g., electrical or electronic time and temperature units. Copy shall mean words and numbers.
- (2) *Manual changeable copy sign:* A sign on which copy is changed manually in the field, e.g., reader boards with changeable letters. Copy shall mean words and numbers.

Double-faced sign: A sign structure with two sign faces that are parallel (back-to-back) or that form an angle to one another, where each sign face is designed to be seen from a different direction and the two sign faces are separated from each other at their nearest point by no more than three feet.

Freestanding sign: A sign permanently attached to the ground and that is wholly independent of any building or other structure. The term “freestanding sign” includes but is not limited to the following:

- (3) *Pole sign:* A sign that is mounted on a freestanding pole, columns, or similar support such that the bottom of the sign face or lowest sign module is not in contact with the ground.
- (4) *Monument sign:* A freestanding sign in which the entire bottom of the sign face or structure is in contact with the ground, providing a solid and continuous background for the sign face from the ground to the top of the sign.

Illuminated signs:

- (5) *Internally illuminated sign:* Any sign that is illuminated by an artificial light source from within the sign structure over any or all of its sign face.
- (6) *Externally illuminated sign:* Any sign that is partially or completely illuminated at any time by an artificial light source that directly or indirectly illuminates the face of the sign from outside the sign structure.

Incidental sign: A small sign, emblem, or decal no larger than one square foot. Such signs are normally located on doors, windows, and gas pumps, and are generally not readily visible or legible from public rights-of-way.

Mansard: A steeply sloped, roof-like façade architecturally similar to a building wall.

Marquee: A permanent roof-like structure or canopy of rigid materials supported by and extending from the façade of a building.

Marquee sign: See under “Building Sign.”

Minimum front setback: The minimum distance required by the zoning on a property between an adjoining street and the façade of a principal building on the property.

Monument sign: See “Ground Sign” under “Freestanding Sign.”

Pennant: Any lightweight plastic, fabric or similar material designed to move in the wind; pennants are often suspended from a rope, wire, or string in series. The term “pennant” shall not include a “banner” or an “official or personal flag” as regulated in this Chapter.

Planned center: A single office, commercial, or industrial property that is designed or intended for occupancy by two or more principal businesses that are separately owned and have no corporate relationship.

Principal freestanding sign: The main or largest freestanding sign or signs on a property.

Project entrance sign: A permanent freestanding sign located at a discernible entrance into a multi-family development, or into a development containing multiple lots, such as but not limited to a particular residential or commercial subdivision, business center, office park or industrial park.

Projecting sign: See under “Building Sign.”

Roadway, controlled access: A state or federal highway (usually median divided) that, by design, may only be accessed from:

- (7) Public streets where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit; or
- (8) Public streets where such access is provided at grade level intersections which are designed and permitted by the Georgia DOT as part of the highway construction project; or
- (9) Right in/right out only private drives without median cuts and where such private drives are permitted by the Georgia DOT due to extenuating circumstances such as no other means of access.

Controlled access roadways are distinguished from other state and federal roads in that the private driveway access is the exception to the rule rather than the norm. This definition does not include “limited access roadways.”

Roadway, limited access: A median divided state or federal highway which, by design, may only be accessed from public streets and where such access is provided by grade separated interchanges consisting of bridge(s) and ramps so that traffic entering and exiting said highway can safely merge into and exit from the highway at the posted speed limit (an example would be an interstate highway). This definition does not include “controlled access roadways.”

Roof sign: See under “Building Sign.”

Sign: Any structure, display, or device that is used to advertise, identify, direct, or attract attention to a business, institution, organization, person, idea, product, service, event, or location by any means, including words, letters, figures, design characteristics, symbols, logos, fixtures, colors, movement, or illumination.

Sign face: That portion of the surface of a sign structure where words, letters, figures, symbols, logos, fixtures, colors, or other design elements are or may be located in order to convey the message, idea, or intent for which the sign has been erected or placed. The sign face may be composed of two or more modules on the same surface that are separated or surrounded by open space or by portions of a

sign structure not intended to contain any advertising message or idea and are purely structural or decorative in nature.

Sign module: Each portion or unit of a sign face that is clearly separable from other such units by virtue of the expression of a complete thought, message, logo, or idea.

Sign structure: All elements of a freestanding sign, including the sign face, background, or decorative elements related to the presentation or support of the sign's message, and the structural supports.

Temporary event: An activity having a specific duration or the end of which is related to a specific action, usually lasting for only a few days or months at a time. Temporary events include but are not limited to such activities as:

- (10) The offering of a property or premises for sale or rent;
- (11) An election, political campaign, referendum, or ballot proposition put to the voters as part of city, county, state, or federal governance;
- (12) Special business promotions, such as but not limited to "grand openings," "close-out sales," carnivals and seasonal sales events;
- (13) A yard sale;
- (14) The construction of a building or development project, or the rehabilitation, remodeling, or renovation of a building; or
- (15) A special event by a nonprofit organization, such as a community fair or religious assembly.

Tenant: A natural person, business or other entity that occupies land or buildings by title, under a lease, or through payment of rent; an occupant, inhabitant, or dweller of a place.

Under-canopy sign: See under "Building Sign."

Vehicular sign: Any sign placed, mounted, painted on or affixed to a motor vehicle, freight, flatbed or storage trailer or other conveyance when same are placed or parked in such a manner as to be viewed or intended to be viewed from the public right(s)-of-way except that this definition shall not apply when:

- (16) Such conveyances are actively being used to transport persons, goods or services in the normal course of business;
- (17) When such conveyances are parked in an inconspicuous area; or
- (18) When such conveyances are actively being used for storage of construction materials for, and on the same lot with a bona fide construction project for which building and other applicable permits have been issued and where construction is underway and provided said conveyances are located within designated storage areas.

Wall sign: See under "Building Sign."

Window Sign: See under "Building Sign."

Sec. 903 Applicability.

903 (a) **Signs that are regulated.**

The regulations and requirements of this Chapter apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of public property, except as otherwise exempt under this Section.

903 (b) **Exemptions; general.**

The following are exempt from all restrictions and regulations imposed by this Chapter:

- (1) Window displays of goods available on a site are not considered to be signs and are exempt from these sign regulations.
- (2) Brand names or logos on products, product containers, or product dispensers (such as but not limited to a soft drink machine or gasoline pump) that are an integral part of the product or the product's packaging are not considered to be signs and are exempt from these sign regulations.
- (3) A building design, color, or motif that is associated with a particular establishment or organization but which conveys no message is not considered to be a sign and is exempt from these sign regulations.

903 (c) **Signs that are exempt from regulation.**

Each of the following types of signs are allowed on any property and are exempt from the restrictions imposed by this Chapter:

(1) Official signs.

Signs placed by or at the direction of a governmental body, governmental agency or public authority, such as but not limited to traffic signs, signals, or regulatory devices or warnings; official emblems, public notices, or official instruments; signs providing directions to specific facilities or locations; signs of historical interest; signs designating special events or areas of architectural or historic significance or gateways; or other similar governmental signs or devices. Such signs are authorized within all rights-of-way or other properties controlled by such governmental body, agency, or authority; and at such other locations as a governmental body, governmental agency or public authority may direct.

(2) Property address signs.

Property addresses are not signs when displayed on a building or mailbox, provided that such property address consist of lettering no larger than 5 inches in height on a building or 3 inches on a mailbox.

(3) Holiday decorations.

Holiday decorations and displays erected on a seasonal basis that are not intended to be permanent in nature.

(4) Incidental signs.

Small signs and postings as defined in this Chapter of no more than 1 square foot, provided that the aggregate of all such signs on a property may not exceed 16 square feet.

Sec. 904 Prohibited signs.

The following types of signs are prohibited:

904 (a) **Animated and flashing signs.**

Signs other than automatic changeable copy signs that flash, blink, rotate, revolve, or have moving parts or visible bulbs, are not allowed. Signs containing reflective elements that sparkle in the sunlight or that contain luminous paint that glows in the dark are not allowed.

904 (b) **Attached and painted signs.**

Signs that are painted on or attached to trees, fence posts, utility poles, or rocks or other natural features, are not allowed.

904 (c) **Banners.**

Banners are not allowed except as provided for temporary signage under this Chapter. When allowed as temporary signage, a banner shall be allowed only as wall or window signage and shall be placed flush upon the wall or window to which it is attached. Banners shall not be hung as under-canopy signs, flown as flags, or used as any other form of sign.

904 (d) **Dilapidated signs.**

Signs that are dilapidated or in such condition as to create a hazard, nuisance or to be unsafe or fail to comply with any provision of the building code of the County are not allowed.

904 (e) **Display of nudity.**

Signs displaying nudity, as defined by the State of Georgia at O.C.G.A. Section 32-6-75 (b) (1), are not allowed.

904 (f) **Festoons.**

Strings of ribbons, tinsel, small flags, pennants, streamers, pinwheels, or other devices or long narrow strips of fabric, plastic, or other pliable material designed to move in the wind, are not allowed, except as provided for temporary signage under this Chapter.

904 (g) **Inflatable signs.**

A sign that is intended to be expanded by air or other gas for its proper display or support is not allowed.

904 (h) **Obscene signs.**

Obscene signs, as defined by the State of Georgia at O.C.G.A. Section 16-12-80 (b), are not allowed.

904 (i) **Obstructions.**

No sign shall obstruct any fire escape, window, door, or opening usable for fire prevention or suppression, or prevent free passage from one part of a roof to any other part thereof. No sign shall extend above a parapet wall, be affixed to a fire escape, or interfere with any opening required for ventilation.

904 (j) **Portable signs.**

A sign designed to be transported or easily relocated and not attached to the ground, such as but not limited to the following, is not allowed (except as provided for temporary signage under this Chapter):

- (1) A sign designed to be temporarily placed upon the ground and not otherwise affixed to it;
- (2) A sign mounted on a trailer, with or without wheels;
- (3) An A-frame or sandwich board sign; or
- (4) A vehicular sign.

904 (k) **Private signs placed on public property.**

Any sign posted or erected on utility poles, governmental signs, public rights-of-way or any other public property is not allowed, except those placed by agencies of the federal, state, or local government.

904 (l) **Roof signs.**

Roof signs, including signs painted or adhered on roofs, are not allowed. This prohibition does not apply to the fascia portion of a mansard roof, or to the face of a parapet wall, provided that the sign must not extend above the top of the mansard roof or parapet wall.

904 (m) **Signs imitating public warning or traffic devices.**

Any sign that displays intermittent lights resembling the flashing lights customarily used in traffic signals or in police, fire, ambulance, or rescue vehicles, and any sign that uses the words "stop," "danger," or other message or content in a manner that might mislead or confuse a driver, is not allowed. No red, green, or yellow illuminated sign shall be permitted within 300 feet of any traffic light.

904 (n) **Sound or smoke emitting signs.**

A sign that emits or utilizes in any manner any sound capable of being detected on any traveled road or highway by a person with normal hearing, or a sign that emits smoke, vapor or odors, is not allowed.

904 (o) **Signs advertising illegal activity.**

Signs that advertise an activity illegal under Georgia or federal law are not allowed.

Sec. 905 General requirements applying to all signs.

905 (a) **Conformance to Building Codes.**

- (1) In addition to any sign permit required under this Chapter, a building permit shall be obtained from the Building Inspector prior to installation or placement

of any freestanding sign having a sign structure area greater than 15 square feet or any building sign having a sign face area greater than 6 square feet. All signs for which a building permit is required shall be constructed and maintained in conformance with all Building Code and Electrical Code requirements.

- (2) Plans required for issuance of a building permit for a sign shall be certified as to conformance with all structural and wind-load resistive standards of the Building Code by a qualified structural engineer, or be prepared using standard drawings prepared by a structural engineer or other qualified professional meeting or exceeding all requirements of the Building Code.
- (3) All signs involving internal lights or other electrical devices or circuits shall display a label certifying it as being approved by the Underwriter's Laboratories, Inc.
- (4) All electrical service to a sign shall be in compliance with the Electrical Code.
- (5) Clearance from all electrical power lines shall be in conformance with the requirements of the Electrical Code.

905 (b) **Conformance to state law.**

The following applies to any sign located or to be located within 660 feet of the nearest edge of the right-of-way of an Interstate, U.S. or State-numbered highway (or any other road designated as a "primary highway" by the State of Georgia and approved by the U.S. Department of Transportation), or located or to be located beyond 660 feet of such highway but visible and intended to be read from such highway:

- (1) Such sign shall comply with all requirements of the Georgia Outdoor Advertising Act, O.C.G.A. 32-6-70 *et seq.*
- (2) Such sign shall comply with all requirements of this Chapter. Between the Georgia and Lumpkin County regulations, such sign must comply with the most restrictive requirements with respect to each and every item of regulation.

905 (c) **Sign maintenance.**

- (1) All signs, together with all their supports, braces, guys, and anchors shall be kept in good repair and, unless constructed of galvanized or noncorroding metal shall be given a protective coating as necessary to maintain a clean appearance and safe condition.
- (2) All signs shall be maintained in accordance with all County regulations, including any regulations concerning nuisances and vegetation.

905 (d) **Minimum sign setback.**

No sign or sign structure of any kind is authorized to extend into or above, or be anchored or placed in any portion of a public right-of-way (except official signs). Unless provided otherwise in this Chapter, all signs on a property are subject to the setback requirements for accessory uses under the property's zoning classification, but in no case may any portion of a sign be located less than 5 feet from a public right-of-way except for miscellaneous signs allowed under 908 (a)(1) of this Chapter.

905 (e) **Principal freestanding signs; distance between.**

- (1) Each principal freestanding sign shall be located at least 50 feet from any other principal freestanding sign on the same side of the street. The Building Inspector may reduce this distance if it cannot be met due to the location of existing signs on separate but adjoining lots. Such reduction shall be the minimum required in order to maintain the greatest separation possible from such existing signs.
- (2) Principal freestanding signs shall be located at least 25 feet from a side lot line, or one-half the width of the lot frontage, whichever is less. In no case may the sign be located more closely to a side lot line than the minimum required building setback.

905 (f) **Ground clearance under signs.**

- (1) Projecting signs shall not project more than 3 feet beyond the face of the building. Projecting signs shall provide a minimum of 8 feet of clearance from ground level to the bottom of the sign.
- (2) Under-canopy signs of greater than 4 square feet shall be rigidly mounted, and there shall be 8 feet of clearance below the base of any rigidly mounted under-canopy sign. There shall be a minimum clearance of 7 feet below the base of any non-rigidly mounted under-canopy sign.
- (3) Awning, mansard and marquee signs shall be no less than 8 feet above the ground when erected over pedestrian walkways at the lowest extremity of the sign.

905 (g) **Visibility clearance area.**

- (1) No portion of a sign face, and no portion of a sign structure wider than 12 inches, between the heights of 2½ feet and 12 feet shall be located within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads, or within 20 feet of the intersection of a street right-of-way and either edge of a driveway.
- (2) No sign shall be erected or maintained where, by reason of its position, wording, illumination, size, shape or color, it may obstruct the view of oncoming vehicles or impair, obscure, interfere with the view of, or be confused with any authorized traffic control sign, signal or device.

905 (h) **Illuminated signs.**

- (1) Where restricted.
Signs are allowed to be externally or internally illuminated, as defined in this Code, except as follows:
 - a. A sign located on an agricultural property may not be internally illuminated. External illumination must be installed so that it illuminates only the sign face and does not shine onto public rights-of-way or neighboring properties.
 - b. A sign located on single- or two-family residential property may not be illuminated.
- (2) Traffic Control.

No sign illumination device shall resemble an official traffic control or warning sign, nor shall it hide from view or distract from any traffic or street sign or signal.

(3) Hazards.

Illumination devices shall be placed, filtered, and shielded so direct rays will not be cast into the eyes of drivers or pedestrians.

(4) Light Pollution.

Sign illumination shall not cast light directly upon adjacent properties or roadways. No illuminated signs are allowed within 100 feet of any residential zoning district or property occupied by a dwelling.

(5) Neon Tubes.

No sign that has exposed neon tubes or other exposed tubes containing luminescent gas shall be used outside a building.

(6) Exposed Wires.

No sign may have exposed electrical wires.

(7) Strings of Bulbs.

Strings of bulbs are not permitted, except as part of a holiday celebration.

(8) Hours of Illumination.

No sign shall be illuminated between 11 p.m. and 6 a.m. except for those hours during which the premises on which the sign is located is open for business.

(9) Types of illumination.

- a. Externally-illuminated sign. An externally-illuminated sign, when permitted, shall have concealed wiring and controls, and shall have shielded and screened external light sources.
- b. Internally-illuminated sign. Internally-illuminated signs, where permitted, must completely shield the source of light from direct view. Reverse-channeled letters are permitted only in instances of wall signs affixed to buildings with a front setback of more than 100 feet.

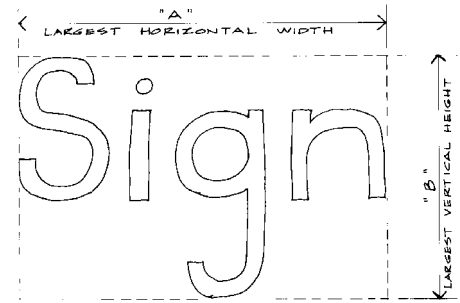
Sec. 906 Measurement of sign area and height.

906 (a) **Computation of sign area.**

In order to determine compliance with the maximum allowable sign areas permitted under this Chapter, the following shall establish how sign areas are measured. The terms "sign area" and "sign face area" are interchangeable and have the same meaning for the purpose of regulating maximum sign sizes.

(1) Sign face area.

- a. The area of a sign face shall be computed as the area within the smallest rectangle enclosing the limits of a sign face, or the combination of the areas of all such rectangles delimiting each sign module, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.



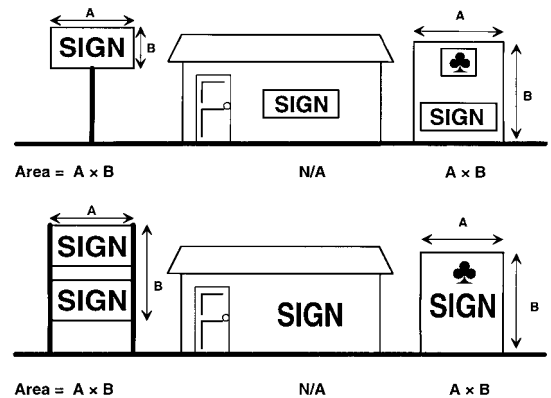
MEASUREMENT OF WALL SIGN AREA WHERE THERE IS NO DEFINED SIGN BACKGROUND
"A" x "B" = SIGN AREA

- b. For signs that have no identifiable frame or border, the smallest rectangle that includes all of the sign's words, letters, figures, symbols, logos, fixtures, colors, or other design elements intended to convey the sign's message shall establish the area of the sign's face.
- c. The computation of the area of a sign face shall not include the structure, supports, or uprights on which the sign face is placed or any portions of a sign structure that are not intended to contain any message or idea and are purely structural or decorative in nature, other than those portions contained within the rectangle that delimits the sign face or a sign module.
- d. Manual changeable copy signs.

For any sign on which any of the words, letters, figures, symbols, logos, fixtures, colors, or other design elements are routinely changed or are intended to be changed from time to time, the sign face area shall include the entire area within which any words, letters, figures, symbols, logos, fixtures, colors, or other design elements may be placed, together with any frame or material, texture, or color forming an integral part of the sign face or used to differentiate the sign face from the structure upon which it is placed.

(2) Sign Structure Area.

- a. The area of a sign structure shall be computed as the area within the smallest rectangle enclosing the limits of the surface of a sign whereon the sign face or sign modules may be placed, including all portions of a sign structure that provide a background for the sign face but are not intended to contain any message or idea and are purely



Examples of Sign Structure Area Measurements

structural or decorative in nature.

b. Project entrance signs.

For project entrance signs or other signs that are imposed, mounted or painted on a wall or other decorative structure, the sign structure area shall be computed as that portion of such wall or other decorative structure that is discernibly devoted to the support of the sign or, by its design or architectural treatment, intended to provide a background or frame for the sign.

(3) Treatment of open spaces.

Any open space contained within the limits of the rectangle delimiting the sign face, sign module, or sign structure shall be included in the computation of the area of such sign face, sign module, or sign structure.

(4) Double-faced signs.

For double-faced signs, when the sign face surfaces are parallel (back-to-back), or where the smallest angle formed between the two faces is 60 degrees or less, the area of the sign shall be taken as the area on the largest side. For double-faced signs where the interior angle formed by the faces is more than 60 degrees, the area of the sign shall be the total area of all sides.

906 (b) **Measurement of sign height.**

The height of a sign shall be equal to the vertical distance from the average grade at the base of the sign, or from the crown of the roadway of the nearest street within 50 feet of any portion of the sign, to the highest point of any portion of the sign, whichever results in the greater sign height. Any earthen berms and elevated foundations supporting signs, signposts or other sign supports shall be included in the height of the sign.

Sec. 907 Permanent signs allowed, by land use category.

The following Tables **Error! Reference source not found..1** and **Error! Reference source not found..2** present the maximum number, size, height, and other restrictions relating to specific signage that are permitted by right in each land use category. Additional signage is permitted under this Chapter and under Sec. 908 and Sec. 909 of this Chapter.

907 (a) **Principal Freestanding Sign—One Use on Property.**

“Principal Freestanding Sign—One Use on Property” on Table **Error! Reference source not found..1** applies to a lot where there is only one use being made of the property, such as but not limited to one single-family or two-family dwelling, one multi-family development, one public or community institution, or one business occupant. A predominantly agricultural property, with or without a residence on the property, is considered a single agricultural use. Properties that are vacant but zoned or offered for sale or lease for a particular land use also fall under this category.

907 (b) **Principal Freestanding Sign—Planned Center.**

“Principal Freestanding Sign—Planned Center” on Table **Error! Reference source not found..1** applies to a single commercial or industrial property that is designed

or intended for occupancy by two or more principal businesses that are separately-owned and have no corporate relationship. A planned center may consist of several businesses in a single building or individual businesses in several buildings on the property.

907 (c) **Project entrance signs.**

Project entrance signs are signs located at an entrance into a residential subdivision, into a multi-family development, or into an office, commercial or industrial park consisting of two or more lots. Each project entrance sign shall not exceed the number, area or height limitations shown on Table **Error! Reference source not found..1**.

907 (d) **Building signs.**

For building signs permitted on Table **Error! Reference source not found..2**, the following shall apply:

- (1) For single-occupant buildings, the maximum allowed area for a building sign on a wall shall be calculated on the basis of the percentage of the entire area of said wall, including all windows and doors.
- (2) For multi-tenant buildings, the maximum allowed area for each building sign for each tenant shall be calculated on the basis of the percentage of the area of the wall, including all windows and doors, of that portion of the structure occupied by the tenant.
- (3) In no case shall a window sign obscure more than 20% of a window.
- (4) Projecting and under-canopy signs shall be limited to no more than 1 per tenant on a property, and each tenant shall have no more than 1 projecting sign or under-canopy sign, for each street that the tenant faces.

907 (e) **Automatic changeable copy signs.**

Automatic changeable copy signs are only allowed on commercial and industrial properties.

907 (f) **Master planned development.**

For signs in a master planned development (MPD), each property or individual development within the MPD shall conform to the sign regulations established as part of the zoning approval for the MPD. If no such regulations exist, each property or individual development within a master planned development shall conform to the provisions of this Chapter in accordance with the land use category of said property or individual development.

Table Error! Reference source not found..1: Permitted Freestanding Signs—By Land Use Category

Land Use Category (See Chapter 2 for definitions)

	Agricultural Property	Single- and Two-Family Residential	Multi-Family Property	Commercial Property	Industrial Property	Public or Institutional Use Property
Principal Freestanding Sign—One Use on Property:						
Max. Number	1 per lot	1 per lot	N/A	1 per street frontage	1 per street frontage	1 per street frontage
Maximum sign face or sign structure area ⁵	9 sf	9 sf		32 sf	32 sf	32 sf
Maximum height	6 feet	6 feet		8 feet	8 feet	8 feet
Type of sign	Pole or monument sign	Pole or monument sign		Monument sign only	Monument sign only	Monument sign only
Principal Freestanding Sign—Planned Center:						
Max. Number	N/A	N/A	N/A	1 per street frontage	1 per street frontage	N/A
Maximum sign face or sign structure area ⁵				64 sf	64 sf	
Maximum height				10 feet	10 feet	
Type of sign				Monument sign only	Monument sign only	
Project Entrance Sign:						
Max. Number	N/A	2 per entrance drive	2 per entrance drive	2 per entrance drive	2 per entrance drive	N/A
Maximum sign face or sign structure area ⁵		32 sf	32 sf	32 sf	32 sf	
Maximum height		8 feet	8 feet	8 feet	8 feet	
Type of sign		Monument sign only	Monument sign only	Monument sign only	Monument sign only	

⁵ Whichever is greater.

Table Error! Reference source not found..2: Permitted Building Signage—By Land Use Category

Land Use Category (See Chapter 2 for definitions)						
	Agricultural Property	Single- and Two-Family Residential	Multi-Family Property	Commercial Property	Industrial Property	Public or Institutional Use Property
Wall, awning, under-canopy, projecting & window signs on a building:						
Max. number of all building signs	1	1	1 per building	1 per tenant for each of the tenant's walls facing a street ⁶	1 per tenant for each of the tenant's walls facing a street ⁶	By special use approval only
Maximum sign face area	1 square foot	1 square foot	4 square feet	10% of the area of the wall on which the sign is placed, up to a maximum of 100 square feet	10% of the area of the wall on which the sign is placed, up to a maximum of 100 square feet	
Additional Under-Canopy Sign	Not Allowed	Not Allowed	Not Allowed	1 per tenant, up to 4 square feet in area	1 per tenant, up to 4 square feet in area	
Signs on a free-standing canopy:						
Max. number of all canopy signs	Not Allowed	Not Allowed	Not Allowed	1 per canopy face	1 per canopy face	Not Allowed
Maximum sign face area				10% of the area of each canopy face	15% of the area of each canopy face	
Maximum sign face area of largest sign				9 square feet	18 square feet	

⁶ Additional wall signage is allowed for each tenant as follows: for a tenant occupying 50,000 to 100,000 square feet of floor area, 1 additional building sign is allowed (total); for a tenant occupying more than 100,000 square feet of floor area, 2 additional building signs are allowed (total).

Sec. 908 Other permanent signs allowed.

908 (a) **Miscellaneous freestanding signs.**

Freestanding signs in addition to those shown on Table **Error! Reference source not found.** are allowed as accessory uses on a property occupied by any multi-family, commercial, industrial, or public or community use if each sign complies with all of the following:

- (1) Within the area between a street and the minimum front yard setback for principal buildings required for the zoning district, additional signs may be located within 3 feet of driveways that provide access into or from the property. There shall be no more than 2 such signs per driveway and each such sign shall not exceed 4 square feet in sign area nor be more than 2½ feet in height.
- (2) Miscellaneous signs located farther from the street than the minimum required front yard setback shall be allowed as follows:
 - a. One miscellaneous sign not to exceed 32 square feet in area nor more than 8 feet in height may be located on the property for each principal building on the lot.
 - b. Other miscellaneous freestanding signs are allowed beyond the minimum front yard setback on a property developed for multi-family, commercial, industrial, or public or community use, provided that such signs shall have no more than 4 square feet in sign face area nor more than 3 feet in height (except signs that are required by law to be higher than 3 feet high, such as those marking a handicapped parking space).

908 (b) **Private and public recreational signs.**

- (1) Private and public recreational activities support signs shall be those signs erected on walls, fences, dugouts, press boxes, stadium stands, concession stands, ticket booths, benches and locker rooms which are sold by private and/or public organizations to support recreational activities of the type sponsored by nonprofit organizations or the school district.
- (2) Such signs shall be allowed on any public or community use property where the aforementioned recreational facility is permitted and located.
- (3) Such individual signs shall not exceed 8 feet in height and 32 square feet in area and must face inward to the recreational activity area.
- (4) There shall be no limit on the number of signs per site provided that such sign faces are not visible from neighboring residential property or public rights-of-way.

Sec. 909 Temporary signs.

The following temporary signs are allowed under the provisions of this Chapter.

909 (a) **Official or personal flag.**

Any cloth, paper, thin plastic, or similar material that is displayed by hanging or flying, representing in whole the officially adopted symbol or emblem of a government, political subdivision, institution, organization, or corporation; or, a flag adopted or flown by a person as a symbol or statement, is allowed as an accessory

use on any property that is used in any land use category if it complies with all of the following:

- (1) Number of flags.
 - a. Only 1 official or personal flag may be displayed on a lot occupied by an agricultural use, a single-family or two-family residential use, or a multi-family residential use.
 - b. No more than 3 official and personal flags may be displayed on a lot occupied by a commercial use, an industrial use, or a public or community use.
 - c. Official and personal flags shall not exceed 32 square feet in area, nor be located on flagpoles that exceed the building height limitation of the zoning district for the property where the flag is displayed.
 - d. The official flag of the United States of America shall be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.

909 (b) **Election-cycle signs.**

- (1) Location.
 - a. Such signs are allowed on properties in all land use categories.
 - b. Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
 - c. No such sign can be placed within 50 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a driveway.
- (2) Setback.

No setback from the street right-of-way line shall be required for an election cycle sign, except that any such sign shall not be placed within or over the street right-of-way nor affixed to any tree, utility pole or official traffic sign or structure.
- (3) Size.

Election-cycle signs shall not exceed five feet in height and 9 square feet in area.
- (4) Number and duration.
 - a. A maximum number of signs equal to one sign for each elective office and for each other ballot question related to the election may be placed on a property.
 - b. Election-cycle signs may be displayed from the last day of qualification of candidates until the election of all candidates to office or resolution of all ballot questions put to the voters in the election.
- (5) Permanence.
 - a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.

- b. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy shall not be allowed.

(6) Lighting.

Such signs shall not be illuminated.

909 (c) **Short duration temporary signs.**

(1) Location.

- a. Such signs are allowed on properties in all land use categories.
- b. Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- c. No such sign can be placed within 50 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a driveway.

(2) Setback.

No setback from the street right-of-way line shall be required for a short duration temporary sign, except that any such sign shall not be placed within or over the street right-of-way nor affixed to any tree, utility pole or official traffic sign or structure.

(3) Size.

Short duration temporary signs shall not exceed 6 feet in height and 9 square feet in area.

(4) Number and duration.

- a. No more than two short duration temporary signs can be erected on any lot at any one time.
- b. Short duration temporary signs can be erected for a maximum of 4 weeks.
- c. Short duration temporary signs cannot be placed on the same lot more than three times per calendar year from January 1st to December 31st.

(5) Permanence.

- a. Nonpermanent but water-resistant construction materials may be used, such as but not limited to poster board, foam core board or illustration board.
- b. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic or manual changeable copy shall not be allowed.

(6) Lighting.

Such signs shall not be illuminated.

909 (d) **Long duration temporary signs.**

(1) Location.

- a. Such signs are allowed on properties in all land use categories.
- b. Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.
- c. No such sign can be placed within 50 feet of an intersection, nor shall any sign be closer than ten feet to the pavement of a driveway.

(2) Setback.

No part of any long duration temporary sign shall be located in, on or within 5 feet of a public right-of-way.

(3) Size.

Except for portable signs, banners, streamers and flags allowed under 909 (e), long duration temporary signs shall not exceed 6 feet in height and 9 square feet in area.

(4) Number and duration.

- a. No more than two long duration temporary signs can be erected on any lot at any one time.
- b. Long duration temporary signs can be erected for a maximum of 60 days.
- c. Long duration temporary signs cannot be placed on the same lot more than two times per calendar year from January 1st to December 31st.

(5) Permanence.

Except for portable signs, banners and festoons allowed under 909 (e), only permanent construction materials shall be used. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic changeable copy shall not be allowed.

(6) Lighting.

Such signs shall not be illuminated except on commercial or industrial properties.

909 (e) **Portable signs, banners and festoons.**

Portable signs, banners and festoons are allowed as long duration temporary signs on a property developed for commercial or industrial uses, subject to all provisions that pertain to long duration temporary signs and the following additional restrictions.

- (1) The primary purpose of this Subsection is to allow additional temporary signage during special commercial events, such as "grand openings" and special sales.

(2) Portable signs.

One portable sign per developed lot or business is allowed under the following conditions and requirements:

- a. Prior to the erection or placement of a portable sign, all required fees and taxes shall be paid by the owner of the sign.

- b. The maximum size of a portable sign shall not exceed 32 square feet. Said sign shall not have directional arrows, flashing lights or other animated devices.
 - c. No portable sign shall be placed on a lot that is used for residential purposes.
 - d. The sign must be placed on the site in such a manner as to be at least 5 feet from the right-of-way and to not be an obstruction for traffic or visibility. The location of the sign is subject to approval of the Building Inspector.
 - e. To prevent wind damage to the sign or other property, the sign must be securely anchored to the site in a manner acceptable to the Building Inspector.
 - f. All electrical connections to the sign must be in compliance with the electrical codes as adopted by the County, and must be inspected prior to use.
 - g. The maximum number of portable sign permits to be issued to a single location or site at any given time shall be 1 sign.
- (3) Banners and festoons.
- a. Banners, streamers, pennants and other festoons shall be allowed only during a special commercial event.
 - b. No part of any such sign shall be located in, on or within 5 feet of a public right-of-way.

909 (f) **Construction signs.**

Additional signs are allowed as temporary signs during the construction or remodeling of a project or building.

(1) Location.

- a. Such signs are allowed on properties in all land use categories.
- b. Such signs shall be erected and maintained only with the permission of the owner of the property upon which the sign is erected.

(2) Setback.

No part of any long duration temporary sign shall be located in, on or within 5 feet of a public right-of-way.

(3) Number and size of signs.

The number of such signs and their sizes shall be limited to one of the following:

- a. One temporary sign per contractor not exceeding 9 square feet in area nor more than 6 feet in height; or
- b. One sign per property, not exceeding 32 square feet in area nor more than 8 feet in height on an agricultural, single- or two-family residential, or multi-family residential property; or

- c. One sign per property, not exceeding 64 square feet in area nor more than 10 feet in height on a commercial, industrial or public or institutional property.
- (4) Duration.
 - a. The sign(s) may be placed upon issuance of a development permit authorizing site grading, or a building permit authorizing the construction, interior finish or remodeling, and must be removed upon issuance of the Certificate of Occupancy, final building inspection, or approval for connection to electric power for the work authorized by the building permit, whichever occurs first.
- (5) Permanence.

Only permanent construction materials shall be used. The words, letters, figures, symbols, logos, fixtures, colors, or other design elements that convey the sign's message shall be permanently applied to the sign's face; automatic changeable copy shall not be allowed.
- (6) Lighting.

Such signs shall not be illuminated.

Sec. 910 Sign permits.

910 (a) Sign permits; when required.

In addition to a building permit as may be required under the Building Code, a sign permit shall be obtained from the Building Inspector prior to installation, relocation, expansion, construction or structural alteration of any sign regulated under this Chapter except for those signs specifically exempted under 910 (b), below.

910 (b) Sign permits; exemptions.

The following do not require issuance of a sign permit.⁷

- (1) A sign permit will not be required under the following conditions:
 - a. Replacing or altering the words, letters, figures, symbols, logos, fixtures, colors, or other design elements that compose a sign's message, in whole or in part, shall not require a sign permit unless a structural change is made.
 - b. Painting, repairing, cleaning, or maintaining a sign shall not require a sign permit unless a structural change is made.
- (2) A sign permit will not be required for the following listed signs:
 - a. Any sign that is otherwise exempt from regulation under Sec. 903 of this Chapter.
 - b. A principal freestanding sign on a single-family or two-family residential property allowed under 907 (a) of this Chapter does not require a sign permit.

⁷ These exemptions apply only to the requirement of a permit and do not relieve the owner of the sign from compliance with all other requirements of this Chapter for the particular sign.

- c. Miscellaneous freestanding signs that are allowed under 908 (a) of this Chapter do not require a sign permit.
- d. Public and private recreational signs that are allowed under 908 (b) of this Chapter do not require a sign permit.
- e. Official or personal flags that are allowed under 909 (a) of this Chapter do not require a sign permit.
- f. Construction signs that are allowed under 909 (f) of this Chapter do not require a sign permit.
- g. Any building sign less than 6 square feet in area does not require a sign permit.

910 (c) **Multi-Tenant Nonresidential Projects.**

- (1) A uniform sign plan is required for any multi-tenant nonresidential development, such as a shopping center, before any signs for the development or the development's tenants may be erected on the property.
- (2) The uniform sign plan shall govern the placement and design of all signs within the development as to their location, number, materials, size, letter style, and color.
- (3) A uniform sign plan shall be submitted and approved as follows:
 - a. The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
 - b. The uniform sign plan is to be submitted to the Planning & Development Department. The uniform sign plan shall be approved upon a finding by the Planning & Development Director that:
 - 1. The plan provides that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.
 - 2. The signs proposed in the uniform sign plan shall comply with the requirements of the Sign Regulations Chapter in all respects.
- (4) The requirements of the approved uniform sign plan shall be recorded by the owner in the office of the Clerk to Superior Court prior to issuance of a Certificate of Occupancy or connection to permanent power for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.
- (5) All tenants of the development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

910 (d) **Issuance of a sign permit.**

- (1) Sign review required.

For any sign requiring issuance of a sign permit under the provisions of this Chapter, sign review shall be required prior to installation, relocation, renovation, expansion, construction or reconstruction of the sign. The sign application, with the non-refundable application fee established by the Board of Commissioners, shall be submitted to the Building Inspector.

(2) Sign permit application.

a. Application for signs other than temporary signs.

The application for a sign permit for all types of signs other than temporary signs must include the following:

1. An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.
2. An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
3. A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support systems for each proposed sign.
4. The estimated cost of construction for each proposed sign.
5. An agreement wherein the applicant shall indemnify the county against all damages, demands, or expenses of any kind caused by the sign or sign structure.
6. Any other information as may be reasonably required by the Building Inspector to determine compliance with all provisions of this Chapter.

b. Application for temporary signs.

The application for a sign permit for a temporary sign must include the following:

1. A list of the temporary signs to be placed on the property.
2. A description of the temporary signs to be placed on the property.
3. For portable signs, banners, streamers and flags, written and graphic evidence of compliance with all requirements of 909 (e).

(3) Approval of sign permit.

Once a complete application for a sign permit has been received, within 30 days the Building Inspector shall review the application and either (a) issue the permit or (b) inform the applicant of the reasons why the permit cannot be issued. Upon determination that the application fully complies with the provisions of this Chapter, the Building Code, and all other applicable laws, regulations, and Chapters, the sign permit shall be issued by the Building Inspector.

(4) Permit identification to be placed on the sign.

Every sign for which a permit is issued shall be plainly marked with the name of the permittee and shall have the number of the sign permit affixed on the

framework in the lower right hand area of the sign or on the sign face using a durable material so that it is easily seen and weatherproof.

(5) **Expiration of sign permit for uncompleted construction.**

A sign permit shall expire if the sign for which the permit was issued has not been substantially completed (to the extent of at least 60% completion based on the estimated cost of construction from the permit application) within six months of issuance. One 6-month extension may be approved by the Building Inspector for circumstances deemed extenuating and reasonable.

(6) **Fee schedule.**

The Board of Commissioners may from time to time, establish a schedule of fees for sign permits or modify said fee schedule as necessary to include, but not necessarily be limited to, the cost of issuing permits, making inspections and other administrative matters related to this Chapter.

Sec. 911 Modifications to sign restrictions.

911 (a) **Requests for modifications.**

- (1) Modifications to the restrictions on signage for a specific property or development may be requested for administrative approval.
- (2) Such requests shall be submitted to the Planning & Development Department for review and handling.

911 (b) **Uniform sign plan required.**

A request for modification shall be supported by a uniform sign plan.

- (1) The uniform sign plan shall consist of such drawings and specifications as may be required to clearly illustrate the location, materials, size, letter style, and color of all and every sign to be placed as freestanding and building signs within the development.
- (2) The uniform sign plan shall establish design standards such that signs of a similar type and function within the development shall have a consistency of size, lettering style, color scheme, and construction materials so as to present a unified design concept while respecting the differences between tenant types and occupancies.

911 (c) **Denial of modification request.**

If the Planning & Development Director denies the requested modification, the applicant may appeal the decision to the County Commission.

911 (d) **Approval of modification request.**

- (1) Following approval by the Planning & Development Director or the County Commission, the requirements of the approved uniform sign plan shall be recorded by the owner in the office of the Clerk to Superior Court prior to issuance of a certificate of occupancy for the development, and shall be included in any sale, lease, or other transfer of right of occupancy affecting any part of the development.

- (2) All tenants of the property or development, whether an owner, lessee, subtenant, purchaser, or other occupant, shall comply with the approved uniform sign plan.

Chapter 10. Landscaping, Buffers and Tree Conservation

Sec. 1001 Purpose of Chapter ____.

The purpose of this Chapter is to improve the aesthetic qualities of the county and to protect and preserve the appearance, character and value of its neighborhoods and business areas by:

- (1) Providing standards for the design of landscaping and screening.
- (2) Providing for the separation of incompatible types of land use through the use of buffers.
- (3) Providing for the conservation of existing trees and the planting of new trees in pace with the land development process.

Sec. 1002 Landscaping, buffers and tree conservation definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

Agricultural Activities: 1. good-faith commercial production from the land or on the land of agricultural products, including horticultural, floricultural, dairy, livestock, poultry, and apiarian products, but not including forestry products (see "Tree harvesting" below); and 2. clearing trees for the purpose of planting crops, providing pasture for livestock, or constructing buildings accessory to production of agricultural products.

Berm: A mound of earth, or the act of pushing earth into a mound.

Buffer: An area of natural vegetation or man-made construction, which is intended to provide a visual and dimensional separation between dissimilar land uses.

- (1) *Natural Buffer:* A visual screen created by vegetation of such density so as to present an opaque visual separation when viewed from one side to the other throughout the year.
- (2) *Structural Buffer:* A visual screen created through construction of a solid wooden fence, decorative masonry wall, earthen berm, or combination of fence or wall with an earthen berm, which may be supplemented with vegetation, so as to present an opaque visual separation when viewed from one side to the other throughout the year.

Caliper: The diameter of a proposed tree (usually nursery stock) measured at a point 6 inches above the ground or top of root ball for up to and including 4-inch caliper trees, and at a point 12 inches above the ground or top of root ball for larger sizes.

Critical Root Zone: The minimum area beneath a tree that must be left undisturbed in order to preserve a sufficient root mass to give a tree a reasonable chance of survival. The Critical Root Zone (CRZ) will typically be represented by a concentric circle centering on the tree's trunk with a radius equal in feet to one (1) times the number of inches of the trunk diameter. EXAMPLE: The CRZ radius of a 20-inch diameter tree is 20 feet.

Dead Plant or Tree: Any living plant material that has lost 33% or more of its branches or leaves, as determined by the County, shall be considered dead.

Development Site: That portion of a tract of land that will be dedicated to a proposed development, including the land containing trees that will be counted toward satisfying the requirements of these provisions.

Diameter Breast Height (DBH): The diameter of an existing tree trunk measured at a height of 4½ feet above the ground. If a tree splits into multiple trunks below 4½ feet, the trunk is measured at its most narrow point beneath the split.

Drip Line: A perimeter formed by the points farthest away from the trunk of a tree where precipitation falling from the branches of that tree lands on the ground.

Flowering Trees: Ornamental trees that are known for their blooms and generally mature at a height of less than 40 feet. Flowering trees approved for use include dogwood, redbud, crape myrtle, and ornamental cherry. Flowering trees not approved for use include Bradford Pear.

Greenway: An area along the course of any river, stream, creek, branch, lake, reservoir, pond, drainage system, spring, well or other body of surface or subsurface water, whether natural or artificial to be maintained in an undisturbed and natural condition. Greenways are established pursuant to the Georgia Erosion and Sedimentation Act of 1975, as amended, O.C.G.A. 12-7-1 *et seq.*

Ground Cover: A low growing plant, other than turf grass, which forms a continuous cover over the ground surface.

Heavily Landscaped Area: An area planted with a combination of shade and flowering trees, deciduous and evergreen shrubs, and flowering perennials such that the entire area is covered with landscape materials. The green space designated to be heavily landscaped shall have no more than 25% of its area covered in turf (seed or sod). The remaining 75% shall contain shade trees (2 inch caliper minimum), flowering trees (1 inch caliper minimum), evergreen shrubs (3 gallon minimum), deciduous shrubs (3 gallon minimum), and perennials or non-turf groundcovers (2 ½ inch pot minimum). All plant materials shall be mulched.

Landscape Materials: Any combination of living plant materials and nonliving materials such as rock, pebbles, sand, mulch, pavers, berms, fencing, walls, fountains and other decorative materials.

Landscaping: Landscaping shall consist of shrubs, vines, turf, ground cover and other landscape materials which are utilized to enhance the aesthetic and functional qualities of a site.

Opaque: Impenetrable to view, or so obscuring to view that features, buildings, structures, and uses become visually indistinguishable.

Overstory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of 40 feet or more (Reference *Landscape Plant Materials for Geor-*

gia, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books).

Parking Bay: Three or more parking spaces adjacent to one another and aligned side-by-side.

Plant Materials: Living plants, such as trees, shrubs, ground cover, grasses and perennial flowering plants, turf, and vines that are suitable for ornamental and/or functional use.

Protected Zone: All lands that fall outside the buildable area of a parcel, all areas of the parcel required to remain in open space, and all designated buffers or tree save areas, and other areas as may be established by conditions of project approval.

Replacement Tree: A new tree planted on a site to meet minimum site density factor requirements (regardless of whether trees existed prior to any development).

Screen: Natural vegetation or a decorative structure that creates an opaque visual block or obscures an unattractive view. Screening may consist of any combination of the following, as approved by the Director:

- (3) Fencing constructed of cedar, redwood, treated wood, or other suitable all-weather material.
- (4) Masonry walls.
- (5) Plant materials or natural vegetation.
- (6) Earthen berms.

For the purpose of this Code, a screen is opaque to a height of 6 feet above the ground surface or, for a screen of plant materials, has the maximum opacity obtainable with the approved arrangement and species of plant materials, to a height of 6 feet.

Shade Tree: A broadleaf deciduous tree having an average height at maturity of a least 40 feet and having a broad spread relative to its height (excluding trees with columnar crowns) and a dense canopy, so as to provide shade to structures or parking areas in the summer months.

Shrub: A self-supporting woody plant that normally reaches a height of less than 15 feet.

Tree: Any living, self-supporting woody perennial plant which normally obtains a trunk diameter of at least 2 inches and a height of at least 10 feet, and typically has one main stem or trunk and many branches.

Tree Harvesting: The planting, cultivating and harvesting of trees in a continuous cycle as a regular agricultural practice on a tract of land; not including the removal of trees for purposes of development or the removal of trees without replanting.

Tree Save Area: All areas designated for the purpose of meeting tree density requirements, saving specimen trees, or preserving natural buffers.

Tree Unit Value: A unit of measure used to prescribe the calculated tree coverage on a site. Tree unit values relate to the size of the tree trunk (diameter or caliper). One tree unit is not equivalent to one tree.

Turf: Ground cover composed of one or more species of perennial grass that is grown as a permanent lawn.

Understory Tree: Any deciduous or evergreen tree that has the potential to grow to a mature height of less than 40 feet (*Reference Landscape Plant Materials for Georgia*, Cooperative Extension Service, The University of Georgia College of Agriculture, Bulletin No. 625 or any similar publication.) Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books).

Sec. 1003 Calculation of “tree units.”**1003 (a) Use of tree units.**

The landscaping requirements of this Chapter with regard to the preservation or planting of trees is expressed in terms of “tree units” rather than the number of trees. This approach provides the developer with wide latitude of choice as to the number and sizes of trees to be planted, and their distribution following aesthetic landscaping practices, while achieving a common standard on all properties.

1003 (b) Establishment of tree unit values.

The diameter of a tree’s trunk establishes the “tree unit” value of an existing tree, as shown on Table **Error! Reference source not found..1**.

- (1) The values assigned to trees of the same size are different for existing and new trees, as indicated in the table. One “unit” is not the same as one “tree.”
- (2) Actual tree diameters or calipers are to be rounded to the nearest whole number for the calculation of tree unit values (e.g., 4.5 = 5).
- (3) Existing trees may be counted by DBH category groupings as shown on Table **Error! Reference source not found..1**, and multiplied by the average tree unit value for each grouping. The tree unit value for a tree greater than 20 inches DBH shall be determined by dividing the square of the tree’s diameter at breast height by 100 ($\text{Diameter}^2 \div 100$).

Table Error! Reference source not found..1: Tree Unit Values

Tree Unit Values for Existing Trees*				Tree Unit Values for New (Replacement) Trees			
DBH (inches)	Tree Units	DBH (inches)	Tree Units	Caliper (inches)	Tree Units	Caliper (inches)	Tree Units
3	0.09	12	1.44	1 (pine)	0.15	8	1.80
4	0.16	13	1.69	1 (hardwood)	0.25	9	1.80
5	0.25	14	1.96	2	0.50	10	2.10
6	0.36	15	2.25	3	0.80	11	2.10
7	0.49	16	2.56	4	1.00	12	2.30
8	0.64	17	2.89	5	1.20	13	2.60
9	0.81	18	3.24	6	1.50	14	2.80
10	1.00	19	3.61	7	1.60	15	3.10
11	1.21	20	4.00				

The unit value for an individual tree over 20 inches DBH shall be calculated as follows:

$$\frac{(\text{Diameter}^2)}{100}$$

*See text for increased tree unit values for Specimen Trees for which extraordinary measures for protection and survival have been taken.

Tree unit values for container grown pine are:

7 gallon	0.15
3 gallon	0.05

The use of 3 gallon pines requires specific approval in writing by the County.

1003 (c) **Tree unit values for specimen trees.**

The tree unit values shown on Table **Error! Reference source not found.**1 may be increased by 100% for an existing tree that meets the definition of a “specimen tree,” provided that extraordinary measures are taken to protect the tree and assure its survival. Such measures may include but are not limited to the provision of tree wells, retaining walls, aeration, or supplementary irrigation, as applicable to the site of the tree and as approved by the County.

DIVISION II. LANDSCAPING OF PROJECTS IN GENERAL.

Sec. 1004 Landscaping; where required.

1004 (a) Residential subdivisions exempt.

General landscaping requirements under this Division for landscaping of yard areas and for landscape strips along front and side lot lines are not imposed on any residential subdivision for single-family or two-family development, or on the lot when a single-family or two-family dwelling is to be constructed (except for grassing). The tree conservation requirements under Division V of this Chapter, however, including the provision of street trees, apply to all developments, including residential subdivisions.

1004 (b) Multi-family and nonresidential uses.

Landscaping shall be installed on the property of any multi-family or nonresidential use or development as a condition of site plan approval, or issuance of a development permit or building permit, whichever occurs first. Landscaping shall be provided in accordance with the requirements of this Chapter, which includes the following:

- (1) Within the yard areas of the property, and in landscape strips along the street frontages and side lot lines.
- (2) Within parking lots containing 10 or more parking spaces and between such lots and streets from which they are visible.
- (3) As buffers between incompatible land uses.
- (4) As replacement trees for those removed during construction, or as a supplement, in order to achieve the tree conservation requirements of this Chapter.

Sec. 1005 Landscaping of yard areas.

Single-family and two-family subdivisions and lots are exempt from the requirements of this Section, provided that the yard areas within each lot within such subdivision are fully grassed (or otherwise landscaped) with sod or turf.

1005 (a) Open yard areas; multi-family and nonresidential sites.

All portions of a multi-family or nonresidential site not covered with paving or buildings shall be landscaped. Such landscaped areas shall be covered with turf or ground cover or other landscaping materials as defined in this Code. Plantings and trees shall be mulched in accordance with professional landscaping practice. Turf or ground cover utilized on all slopes in excess of 25% (1 foot of rise in 4 feet of run) must be specifically selected to stabilize the slope.

1005 (b) Trash storage containers.

All exterior trash storage containers on multi-family, commercial or industrial properties shall be screened with a permanent masonry or frame enclosure and a gate so that they are not visible from off the property. A detailed drawing of enclosure and screening methods to be used in connection with trash bins on the property shall be included with the site-landscaping plan.

Sec. 1006 Landscape strips along front lot lines.

Single-family and two-family subdivisions and lots are exempt from the requirements of this Section.

1006 (a) Landscape strips along front lot lines; where required.

A landscape strip shall be provided along the full length of any street frontage of a multi-family or nonresidential development. The minimum width of the frontage landscape strip shall be as required for the Character Area in which the property is located, in accordance with Chapter ____.

1006 (b) Location of structures in frontage landscape strip.

Frontage landscape strips shall contain no structures, parking areas, patios, storm-water detention facilities or any other accessory uses except for the following:

- (1) Retaining walls or earthen berms constructed as part of an overall landscape design.
- (2) Pedestrian-oriented facilities such as walkways.
- (3) Underground utilities and fire hydrants.
- (4) Driveways required to access the property.
- (5) Signs otherwise permitted by this Code.

1006 (c) Landscaping required in frontage landscape strips.

- (1) All portions of a frontage landscape strip shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are covered by permitted structures. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design. Plantings and trees shall be mulched in accordance with professional landscaping practice.
- (2) Trees, shrubs and other landscaping materials shall be provided within the frontage landscape strip as required for the Character Area in which the property is located, in accordance with Chapter ____.
- (3) Upon planting, new trees shall have a caliper of no less than 2 inches, and may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (4) Trees and shrubs in the frontage landscape strip are not to extend into the street right-of-way, nor interfere with the sight triangle requirements of this Code for street and driveway intersections (see Sight Visibility Clearance under Section ____).

Sec. 1007 Landscape strips along side lot lines.

Single-family and two-family residential subdivisions and individual lots, and multi-family developments, are exempt from the requirements of this Section.

1007 (a) Landscape strips along side lot lines; where required.

- (1) A landscape strip shall be provided along any side lot line of a nonresidential development (unless a buffer is otherwise required along the side lot line). The

minimum width of the side landscape strip shall be as required for the Character Area in which the property is located, in accordance with Chapter ____.

- (2) The landscape strip is to extend from the frontage landscape strip to the rear lot line of the property.
- (3) When provided in combination with a landscape strip on adjacent property, each property must meet the landscaping requirements of this Section independently, but the planting of trees must be coordinated to provide adequate separation and planting area for each tree.

1007 (b) **Location of structures in side landscape strip.**

Side yard landscape strips shall contain no structures, parking areas, patios, storm-water detention facilities or any other uses except for the following:

- (1) Retaining walls or earthen berms constructed as part of an overall landscape design.
- (2) Underground utilities and fire hydrants.
- (3) Driveways required to access neighboring property.

1007 (c) **Landscaping required in side landscape strip.**

- (1) All portions of a side yard landscape strip shall be planted in trees, shrubs, grass or ground cover, except for those ground areas that are covered by permitted structures. Plantings and trees shall be mulched in accordance with professional landscaping practice.
- (2) Trees, shrubs and other landscaping materials shall be provided within the frontage landscape strip as required for the Character Area in which the property is located, in accordance with Chapter ____.

DIVISION III. PARKING LOT AND LOADING AREA LANDSCAPING.**Sec. 1008 Parking lot plantings.**

Shade trees shall be provided within or adjacent to any parking lot provided for residents, employees, customers or visitors (as required under Section __ of this Code) and that is designed or intended to accommodate 10 cars or more. Such shade trees shall be provided in accordance with the requirements of this Section. In addition to trees, landscaping is required within such parking lots as provided in this Section, below.

1008 (a) Landscape areas required.

The following applies to any parking lot designed or intended to accommodate 10 cars or more.

- (1) Landscape islands, strips or other planting areas shall be located within the parking lot and shall constitute at least 8% of the entire area devoted to parking spaces, aisles and connecting driveways.
- (2) Landscape islands, strips or other planting areas shall be landscaped with any combination of such plant materials as trees, shrubs, grass or ground cover, except for those areas that are mulched. Such planting areas shall be well drained and contain suitable soil and natural irrigation characteristics for the planting materials they contain.
- (3) As a minimum, a landscaping island shall be located at the end of every parking bay between the last parking space and an adjacent travel aisle or driveway. The island shall be no less than 8 feet wide for at least one-half the length of the adjacent parking space.
- (4) Landscape islands between side-by-side parking spaces shall be no less than 8 feet in width and extend for at least one-half the length of the adjacent parking space. Landscaping strips between head-to-head parking spaces shall be no less than 5 feet in width and provided with wheel stops in the parking spaces such that no vehicular overhang is permitted.

1008 (b) Trees required.

The following applies to any parking lot designed or intended to accommodate 10 cars or more.

- (1) Shade trees shall be provided within or immediately adjacent to and surrounding the parking lot at a ratio of at least 1 tree unit for every 10 parking spaces, or portion thereof.
- (2) Trees must be placed in or around the parking lot such that every parking space is within 50 feet of a canopy tree. The 50-foot distance is measured from the center of the tree to any point within the parking space.
- (3) New trees shall have a caliper of no less than 2 inches upon planting, and shall be maintained in good condition. Trees must be removed as a result of disease, damage or death, and must be replaced.

- (4) All trees retained or provided under this Section may be counted toward the minimum tree density requirements of the tree conservation provisions of this Chapter).

1008 (c) **Tree planting areas.**

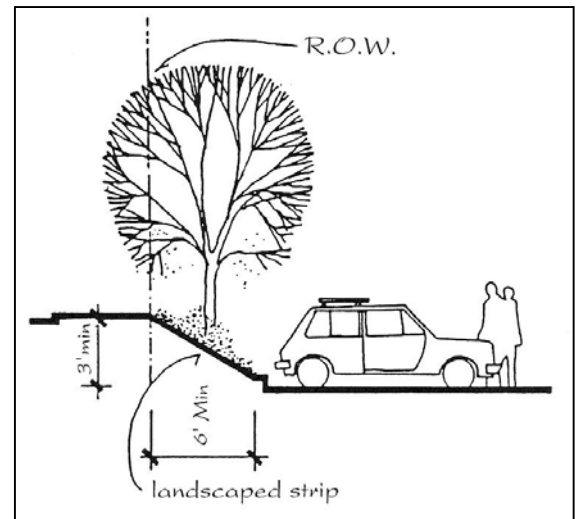
Tree planting areas shall be no less than 8 feet in width at their widest point and shall provide at least 172 square feet of useable planting area per tree. No tree shall be located less than 2 feet from the back of curb (or edge of pavement if curbs are not provided).

1008 (d) **Parking lot lighting.**

Lighting standards in and surrounding parking lots shall not conflict with tree locations, considering the height and breadth of the trees normally achieved at maturity and their root systems.

Sec. 1009 Street-side screening.

Any parking lot designed or intended to accommodate 5 cars or more, and any area set aside for loading or unloading of trucks or vans, which are visible from a street right-of-way, must provide a landscaped visual screen of the parking lot or loading area that meets the requirements of this Section.



1009 (a) **Visual screening required.**

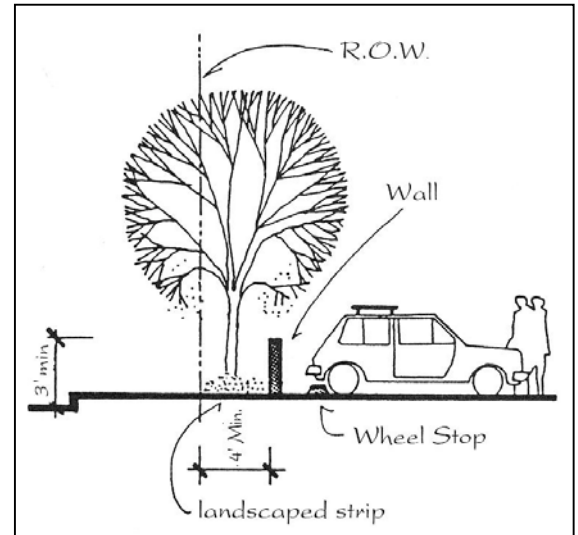
Decorative visual screening that is 100% opaque shall be provided to a height of 3 feet above the elevation of the parking/loading area or the street, whichever is highest. If the parking/loading area is 3 feet or more below the street shoulder at a point no less than 10 feet or more than 20 feet from the street right-of-way line, no screening is required.

1009 (b) **Screening alternatives.**

- (1) The decorative visual screening may be provided in any of the following ways:
 - a. *Planted only.* A hedge consisting of at least a single row of shrubs planted 3 feet on center that will spread into a continuous visual screen within 2 growing seasons. Shrubs must be at least 18 inches tall at the time of planting, and be certified by a registered Landscape Architect to be of a species that will normally exceed 3 feet in height at maturity and are suitable for the parking lot application. The hedge must be set back at least 4 feet from the street right-of-way line.
 - b. *Earthen berm.* An earthen berm constructed to a height of 3 feet above the adjacent elevation of the street or parking/loading area, whichever is highest, shall not exceed a slope of 50% (1 foot of vertical rise for every 2

feet of horizontal run) and shall have a crown of at least 2 feet. The berm shall be planted in ground covers and other plant materials to achieve a decorative effect to the reasonable satisfaction of the Planning & Development Director.

- c. *Wall.* A wall of brick, stone or finished and textured concrete may be constructed to the required height and opacity, and landscaped with plant material to achieve a decorative effect to the reasonable satisfaction of the Planning & Development Director. The wall must be set back at least 4 feet from the street right-of-way line.



- d. *Combination.* Any combination of hedge, berm or wall that effectively provides a visual screen of the parking lot or loading area to a height of 3 feet and achieves a decorative effect through appropriate use of landscaping and plant material.

1009 (c) **Obstructions to sight distance.**

All landscaping and other screening devices placed along street rights-of-way and driveways must be designed and installed in a manner consistent with the requirements of this Code regarding vision clearance in sight triangles at street intersections with driveways and other streets (see Section ____).

DIVISION IV. BUFFERS BETWEEN INCOMPATIBLE LAND USES.

Sec. 1010 Land use buffers; when required.

Land use buffers are required to be created at the time of construction of any new development.

Sec. 1011 Land use buffer design standards.

1011 (a) General.

Land use buffer areas shall contain no driveways, parking areas, patios, storm-water detention facilities, or any other structures or accessory uses except for a fence, wall, or earthen berm constructed to provide the visual screening required to meet the standards of this Code. Underground utilities may be permitted to cross a buffer if the screening standards of this Code will be subsequently achieved. Vehicular access through a buffer may be allowed only upon approval by the Board of Commissioners.

1011 (b) Width of Buffer.

- (1) Buffers required along any lot line shall be no less than the minimum width as required for the Character Area in which the property is located, in accordance with Chapter ____.
- (2) When a proposed development adjoins an existing development but the full width of the required buffer does not exist on the existing development, the new development shall provide a buffer of adequate width to meet the full width required by this Code when considered in combination with any existing buffer on the property of the adjoining existing development.

1011 (c) Minimum Required Screening.

Minimum required screening shall consist of a natural buffer utilizing existing vegetation or a structural buffer, whichever provides an opaque visual screen to a height of 6 feet, or any combination of existing and replanted vegetation which can reasonably be expected to create an opaque visual screen 6 feet high within two growing seasons.

1011 (d) Natural buffers.

Natural buffers may contain deciduous or perennial vegetation, but shall contain evergreen shrubs and trees suitable to local growing conditions that will provide an opaque visual screen during all seasons of the year.

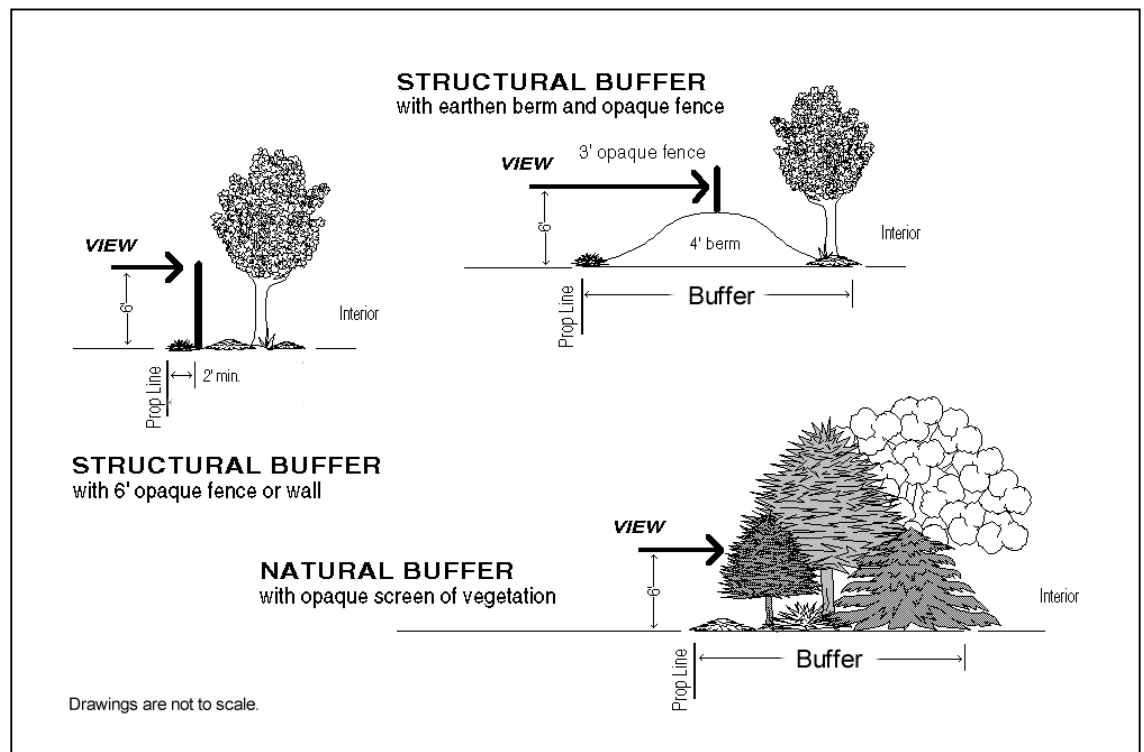
1011 (e) Structural buffers.

Structural buffers shall meet the following criteria:

- (1) Structural buffers shall be vegetated throughout the minimum area required for the buffer around any fences or walls and upon any earthen berms, which may include grass, ground covers, shrubs, and trees.
- (2) All earthen berms shall have a maximum side slope of 50% (1 foot of vertical rise to 2 feet of horizontal run). Earthen berms shall not be constructed within the drip line of any existing trees that will remain on the property.

- (3) Trees shall be located or planted within any structural buffer at a density of no less than one tree unit for each 30 feet of buffer length or portion thereof. New deciduous trees shall have a caliper of no less than 2 inches upon planting, and new evergreens shall be at least 5 feet tall when planted. Trees may be clustered for decorative effect following professional landscaping standards for spacing, location, and design.
- (4) Fences and freestanding walls shall present a finished and decorative appearance to the abutting property, and shall be located no closer to the property line than 2 feet. Shrubs, ground covers, or other vegetation shall be provided between the fence or wall and the property line so as to provide a decorative effect, following professional landscaping standards for spacing, location and design.
- (5) Fences used in buffers must be made of rot-resistant material or protected from deterioration with waterproofing material.
- (6) The accompanying Figure 8.1 provides examples of natural and structural buffers. Other solutions meeting the minimum requirements of this Section are also acceptable.

Figure Error! Reference source not found..1: Examples of Buffers.



Sec. 1012 Maintenance of buffers.

Every buffer required by this Chapter shall be maintained by the owner of the property where the buffer is located, so as to provide an opaque visual screen to a height of 6 feet on a continuous, year-round basis.

Sec. 1013 Buffer modifications.

1013 (a) **Automatic reduction in buffer width.**

If a structural buffer is provided that creates an opaque screen to a height of no less than 8 feet instead of 6, the buffer may be reduced to a width of no less than 50% of the buffer width otherwise required, but no less than 10 feet.

1013 (b) **Location of buffers.**

Buffers may be relocated on the site to best achieve the screening required.

1013 (c) **Waiver for unnecessary buffers.**

The Board of Commissioners may waive a buffer requirement or reduce its extent to a temporarily appropriate level of screening if the Future Land Use map anticipates future development on the adjoining property in a land use category such that a buffer would not be required by this Code once the adjoining property is developed.

DIVISION V. TREE CONSERVATION.

Sec. 1014 Tree conservation; intent and findings.

1014 (a) Intent.

The intent of this Division is to provide standards for the protection or replacement of trees as part of the land development and building construction process within Lumpkin County; to make the County an attractive place to live and to provide a healthy living environment; to better maintain control of storm water runoff, noise, glare, and soil erosion; and to preserve, protect, and promote the general health, welfare, and safety of the public.

1014 (b) Findings.

- (1) Trees provide food and shelter for wildlife.
- (2) Trees reduce noise, glare and provide wind breaks.
- (3) Trees, through transpiration, purify the air.
- (4) Trees intercept airborne particulate matter and reduce some air pollutants.
- (5) Trees provide oxygen and reduce the level of carbon monoxide in the air.
- (6) Trees are vital in erosion control, soil conservation, and the reduction in stormwater runoff.
- (7) Trees moderate the climate.
- (8) Trees increase property value.
- (9) Trees provide aesthetic amenity.
- (10) Trees improve the quality of water.

Sec. 1015 Tree conservation; where required.

Tree conservation in accordance with the provisions of this Division shall be applied to every activity that requires the issuance of a land disturbance permit under Lumpkin County regulations, except for activities otherwise exempted by the provisions of this Division.

1015 (a) Application to new development or disturbed areas.

- (1) Residential subdivisions.
 - a. Residential subdivisions shall achieve the total tree density required under this Division upon their completion and prior to approval of a final plat. Achievement of the tree density requirement may include any combination of initial tree save areas within the subdivision and an enforceable commitment for subsequent tree plantings on the subdivision lots as the houses are constructed.
 - b. If subsequent tree plantings on individual lots is required as houses are constructed, they shall be in place on each lot prior to issuance of a certificate of occupancy for each house.

- (2) New commercial and industrial subdivisions are subject to a two-staged review process by the County (for the infrastructure and later for each individual lot). For this reason, these subdivisions may base density calculations on the net disturbed site area defined by the limits of clearance and construction) The phase 1 plan shall address the method and timing of ultimate compliance with this Division.

- (3) Nonresidential out-lots.

Out-lots and separate parcels of a phased-unit development must collectively provide the number of tree units required under Section 1016 (a)(1); however, in no case may an individual out-lot have less than 10 tree units per acre.

- (4) Additions to Existing Projects.

For additions to existing projects, the density requirements may be met in one of the following ways:

- a. Calculate the area of any new land disturbance and/or improvements and add replacement trees based on that area (existing trees elsewhere on the site may not be counted with this option); or,
- b. Base density requirements on the total site area and count any existing trees on the site (subject to the restrictions of the next Section).

- (5) Phased Projects and Reduced Net Site Areas.

- a. Where development is going to occur in phases (by design or by implication), density calculations must be based on a site area defined by an established or estimated phase line.
- b. Similarly, a reduced net site area may be achieved by using only the area of actual site disturbance (new projects only), provided that limits of construction line is clearly shown on the plan (existing trees elsewhere on the site may not be counted with this option).
- c. In both instances, the following criteria are applied regarding existing trees:
 - 1. Existing trees to be counted toward meeting the density requirements should be within the phase line or limits of construction.
 - 2. If the tree save areas must be established outside these areas, they must be located where future development will not impact them.
 - 3. The trees in areas outside the phase line or limits of construction may not be counted toward the density requirement of subsequent phases or new projects.

1015 (b) **Exemptions from tree conservation requirements.**

The tree conservation requirements shall not apply to the following:

- (1) Public utility companies and government agencies conducting operations on public and utility rights-of-way and easements or on sites for electric power substations and similar facilities, which operations are for the purpose of assuring uninterrupted utility and governmental services and unobstructed passage on public streets.

(2) Agricultural activities.

- a. Property in use for agricultural tree harvesting (as defined by this Code) or other agricultural activities (as defined by this Code) provided that the requirements of the Timbering and Forestry Section of the Restrictions on Particular Uses Chapter of this Code are met.
- b. If a property is clear-cut for any purpose other than a bona fide agricultural use, or the timber is harvested without complying with the requirements of this Code, a preliminary plat or project site plan for development of the property may not be approved for a period of 5 years. This restriction may only be waived by the Board of Commissioners by majority vote. Such waiver may be based on a valid excuse for the clear-cutting, or on remedial action such as the replanting of trees.

1015 (c) **Clearing and/or grading only permits.**

- (1) When seeking a limited land disturbance permit (i.e. clearing, clearing and grading, or grading only), it is necessary for applicants to show compliance with the required tree density factor required under Section 1016 (a)(1).
- (2) If trees exist on the site, the required density should be met with those trees. If this cannot be done, replacement trees are required. A replacement tree plan must be a part of the approved clearing and/or grading plan unless documentation is submitted to the County indicating that application for a full land disturbance permit will be made within one year of the grading plan approval date.
- (3) If an application for a full disturbance permit is not submitted within one year following approval of a grading permit, the property must be brought up to minimum tree density standards of this Chapter by the owner, who shall be subject to enforcement action without regard to the holder of the grading permit.

Sec. 1016 Trees to be provided or retained.

1016 (a) **Number of tree units upon completion of development.**

- (1) Tree units required (tree density factor).

Upon completion of development, all residential subdivisions and developments, and all multi-family or nonresidential uses or development projects, shall have a number of tree units per acre of development site or disturbed area, whichever is less, as shown on Table **Error! Reference source not found..2**. The limits of grading activity shall establish the extent of land disturbance, except for those areas excluded under this Section.

**Table Error! Reference source not found..2:
Tree Units Required Upon Completion**

Development Type	Tree Density Factor (Tree Units per Acre ^a)
------------------	--

Residential	20
Commercial	17
Industrial	15

*Per acre of development site or disturbed area, whichever is less, but not including Excluded Areas.

(2) Excluded areas.

The calculation of development site or disturbed area shall exclude any area within a stream greenway or buffer required by this Code, and any area contained within a utility easement, wetland or area of special flood hazard. Neither the land area of these excluded areas, nor the trees that are or will be located within them, count toward the number of tree units required on or provided for the site.

(3) Trees meeting tree unit requirements.

All trees planted or retained on the site, except for trees planted or retained within an Excluded Area as defined under this Section, shall be counted toward the minimum tree units required by Table **Error! Reference source not found.**2 on the site in accordance with the values shown on Table **Error! Reference source not found.**~~Error! Reference source not found.~~~~Error! Reference source not found.~~~~Error! Reference source not found.~~.1.

1016 (b) Tree inventories and surveys.

- (1) All trees that are to be counted toward meeting density requirements must be inventoried. Trees in Excluded Areas need not be inventoried.
- (2) Sampling methods may be used to determine tree densities for forested areas greater than 2 acres in extent, subject to prior approval of the County.
- (3) All specimen trees as defined below under Section 1016 (c) must be shown on the plan with an indication whether they are to be retained or removed. Accurate locations are requested when the preservation of a specimen tree is questionable, or when a site design alteration is required by the County. Approximate locations are acceptable otherwise.

1016 (c) **Specimen trees.**

- (1) Specimen trees; defined.

Any tree that meets all of the following criteria due to its size and condition is considered to be “specimen tree”:

- a. Size Criteria.
 1. Overstory deciduous tree: 24-inch diameter or larger.
 2. Overstory evergreen tree: not applicable.
- b. Condition Criteria.
 1. Life expectancy of greater than 15 years.
 2. Relatively sound and solid trunk with no extensive decay.
 3. No more than one major and several minor dead limbs.

4. No major insect or pathological problem.

(2) Specimen trees; preservation.

- a. Lumpkin County strongly advocates the preservation of specimen trees. In order to encourage the preservation of specimen trees and the incorporation of these trees into the design of projects, additional density credit will be given for specimen trees that are successfully saved by a design feature specifically designated for such purpose. Credit for any specimen tree thus saved would be 2 times the assigned unit value shown in Table **Error! Reference source not found..1** when using the extraordinary measures associated with protecting and assuring the survival of such trees.
- b. Specimen trees 54 inches in diameter or greater must be preserved.
- c. When the critical root zone of a specimen tree located off-site may be affected by proposed construction activities, tree protection devices are to be installed around the critical root zone of the specimen tree on the property under construction. Location of these off-site specimen trees will be determined by the County.

(3) Specimen trees; removal and replacement.

- a. If a specimen tree is to be removed, a plan or written documentation indicating the reason for the removal must be submitted to and approved by the County.
- b. When permission is received to remove a specimen tree, it must be replaced on an inch-by-inch basis by minimum 2-inch caliper trees that have potential for comparable size and quality. For example, the removal of a 30-inch DBH tree would require replacement of fifteen 2-inch caliper trees or ten 3-inch caliper trees of a comparable species. This tree replacement is in addition to the minimum site tree density.
- c. Any specimen tree that is removed without the appropriate review and approval of the County must be replaced by trees with a total density equal to 2 times the unit value of the tree removed. Size alone will determine whether a tree was of specimen quality if the tree is removed without approval and there is no evidence of its condition.

1016 (d) **Tree replacement standards.**

(1) Introduction.

- a. The following section establishes standards by which plans and field conditions are to be evaluated to determine compliance with the tree replacement intent of this Code.
- b. Tree replacement plans should be prepared with appropriate consideration given to the function of trees in the urban landscape. Every effort should be made to maximize the environmental benefit of the plant material.

(2) Planting specifications.

- a. Trees selected for planting must be free from injury, pests, disease, nutritional disorders or root defects, and must be of good vigor in order to assure a reasonable expectation of survivability.
- b. Standards for transplanting shall be in keeping with those established in the International Society of Arboriculture publication *Tree and Shrub Transplanting Manual* or similar publication. Reference may also be made to the American Association of Nurserymen publication *American Standard for Nursery Stock* (ANSI Z60.1, 1996 or latest edition) for plant material quality specifications. Reference may also be made to the *Manual of Woody Landscape Plants* (Michael Dirr, 1983, Castle Books) or similar publication for information on tree species site requirements.
- c. All balled and burlapped trees shall be dug with a mechanical tree spade in a wire basket with minimum 1-inch nylon strapping.

(3) Species.

- a. Species selected as replacement trees must be quality specimens, and must be ecologically compatible with the intended growing site. To insure diversity, a minimum of 4 species of tree shall be used. Sites requiring limited replacement shall be evaluated by the County to allow use of fewer species.
- b. Flowering ornamental species are typically not acceptable for use in meeting density requirements.
- c. Where trees must be added to achieve the required tree units per acre for the site, pines may not comprise more than 50 percent of the required units. Where existing pines already comprise 50 percent or more of the required units, no more pines may be credited toward the required units.
- d. Trees shall only be awarded credit toward the required tree units on the site when situated in areas where they may grow to mature height without pruning.

(4) Minimum root zones.

In order to provide sufficient growing area for planted trees, the following minimum criteria must be observed unless otherwise approved by the County:

- a. Overstory trees - 162 sq. ft. of pervious root zone.
- b. Understory trees - 100 sq. ft. of pervious root zone.
- c. All planting strips - 5 ft. minimum width.

(5) Irrigation.

Newly planted trees and existing trees subjected to construction impacts typically need supplemental watering when rainfall is inadequate. Applicants should be prepared to discuss how trees are to be watered during their establishment or transition period, and shall note on the plan the method of irrigation that is proposed and attendant facilities. For hand watering, for instance, the location of hose bibs must be indicated; automatic systems require a back flow preventer approved by the County.

(6) Public street rights-of-way.

Trees shall not be planted within any public street right-of-way.

(7) Placement of trees.

The replacement trees on a property shall be placed reasonably uniformly throughout the disturbed area, subject to professional standards of design.

Sec. 1017 Protection of existing trees.

For existing trees that are proposed to be retained in order to meet the minimum requirements of this Code, the following provisions shall apply;

1017 (a) **Damage prohibited.**

No person shall:

- (1) Cut, carve, or otherwise damage or remove any tree except in accordance with the provisions of this Code.
- (2) Attach any wire, nails, advertising posters, or other contrivance harmful to any tree.
- (3) Allow any gaseous, liquid, or solid substance, which is harmful to trees (such as concrete washout, fuel, lubricants, herbicides, paint) to come in contact with them.
- (4) Set a fire or permit any fire to burn when such fire or the heat thereof will injure any portion of any tree.

1017 (b) **Construction standards.**

(1) Purpose of tree protection devices.

Tree protection devices are necessary to eliminate activities detrimental to trees including but not limited to:

- a. Soil compaction in the critical root zone resulting from heavy equipment, vehicular or excessive pedestrian traffic, or storage of equipment or materials;
- b. Root disturbance due to cuts, fills or trenching,
- c. Wounds to exposed roots, trunks or limbs by mechanical equipment; -
- d. Other activities such as chemical storage, cement truck cleaning, fire, etc.

(2) Location and types of tree protection devices.

- a. Tree protection devices are to be installed as shown on the plan or otherwise completely surrounding the critical root zone.
- b. The plan shall indicate whether the tree protection device is to be active or passive.
- c. Active protection (see Materials section below) is required where Tree Save Areas are located in proximity to construction activity.
- d. The locations of all tree protection devices will be verified prior to the issuance of the construction permit for clearing and/or grading.

- e. Once Protected Zones are established and approved, any changes are subject to County review.

(3) Materials.

Active tree protection shall consist of chain link, orange laminated plastic, wooden post and rail fencing or other equivalent restraining material (see Appendix D, Standard Details 302 and 303).

(4) Sequence of installation and removal.

All tree protection devices shall be installed prior to any clearing, grubbing or grading. The County must inspect the installation of tree protection and erosion and sedimentation control devices prior to the issuance of the Construction Permit. Tree protection must remain in functioning condition throughout all phases of development, but is to be removed prior to issuance of a Certificate of Occupancy.

(5) Other specifications.

- a. Clearing - Where clearing has been approved, trees shall be removed in a manner which does not adversely impact the trees to be preserved. Avoid felling trees into protection zones or disturbing roots inside the protection zones. Roots shall be cut cleanly before tree removal.
- b. Erosion and Sedimentation Control - All erosion and sedimentation control measures shall be installed in a manner which will not result in the accumulation of sediment in a tree protection zone.
- c. Signage - All tree protection zones shall be designated as such with "Tree Save Area" signs posted visibly on all sides of the fenced-in area. These signs are intended to inform subcontractors of the tree protection process.
- d. Signs requiring subcontractor cooperation and compliance with the tree protection standards shall be posted at site entrances.

1017 (c) **Prohibited activities.**

(1) Compaction prohibited.

All building materials, vehicles, construction equipment, dirt, debris, or other objects likely to cause soil compaction or above-ground damage shall be kept outside the critical root zone. Where a limited amount of encroachment is unavoidable, the critical root zone shall first be cut cleanly, then immediately mulched with a 4 inch layer of processed bark or wood chips or a 6 inch layer of straw.

(2) Grade change prohibited.

There shall be no raising or lowering of the ground level within the critical root zone. Stripping of topsoil in the critical root zone shall not be permitted. Where necessary, the use of moderate fill is permitted only with prior installation of an aeration system. Deposition of sediment in the critical root zone shall be prevented by placement of sediment barriers, which shall be backed by 2 x 4 inch wire mesh in areas of steep slope.

(3) Ditches prohibited.

No person shall excavate any ditch or trench within the critical root zone. Where such encroachment is unavoidable, ditches or trenches shall be so located as to minimize root damage. If roots must be cut, they must be cut cleanly and immediately mulched.

(4) Paving prohibited.

No person shall pave with concrete, asphalt, or other impervious material within the critical root zone.

Sec. 1018 Alternative compliance.

1018 (a) **Overview.**

- (1) The intent of the Tree Conservation provisions of this Code is to insure that a minimum density of trees is maintained on certain developed sites. Occasionally, this intent cannot be met because a project site will not bear the required density of trees. To provide a viable alternative for such cases, the developer may be allowed to contribute to the Tree Replacement Fund in lieu of over-planting the site.
- (2) The County must review and approve all requests for alternative compliance. In no instance shall 100 percent of the required tree density factor be met through alternative compliance. As many trees as can reasonably be expected to survive must be planted on the site in question.
- (3) The land disturbance permit will only be issued after the County has approved the request and received the necessary funds or trees.

1018 (b) **Tree replacement fund.**

Lumpkin County will accept donations that will be used for the sole purpose of planting trees on public property.

- (1) Calculating the contribution amounts.
 - a. Contribution calculations are based on 2-inch cali-

TREE REPLACEMENT FUND

Calculating Contribution Amounts

EXAMPLE: A 2.2-acre development project site has the following:

- ✓ A required Site Density Factor (SDF) of 37.4 (17 units per acre x 2.2 acres).
- ✓ Existing trees that will remain, totaling an Existing Density Factor (EDF) of 26.3.
- ✓ Enough room on the property to accommodate some new trees totaling a Replacement Density Factor (RDF) of only 9.0.

1. Determine the Density Factor Deficit (DFD) using the formula:

$$DFD = SDF - EDF - \text{Approved RDF}$$

In this example, $DFD = 37.4 - 26.3 - 9.0 = 2.1$

2. Determine the acceptable contribution amount as follows:

$$DFD / 2\text{-inch tree units } (0.5) \times \$250.00$$

In this example, $(2.1 \div 0.5) \times \$250.00 = \$1,050.00$

per replacement trees with a value of \$250.00 each, representing the average size and cost, materials, labor and guarantee for trees planted in the Lumpkin County area.

- b. To determine the appropriate contribution, first calculate the Density Factor Deficit (DFD) or unit value that cannot be planted on the site. Divide the DFD by 0.5 (the unit value of a 2-inch caliper replacement tree) and multiply by \$250.00.

(2) Alternate to cash contribution.

As an alternate to contributing cash, the developer may be allowed by the County to plant trees at a location acceptable to the County. Such trees shall equal or exceed the Density Factor Deficit (DFD) calculated for the developer's development, shall be of acceptable quality meeting the standards of Sec. 1020, and shall be covered by a two-year replacement guarantee provided by the developer.

(3) Fund administration.

The Lumpkin County Tree Replacement Fund will be administered by the Finance Department. A report on the annual receipt and disposition of funds will be included in the County's annual audit.

DIVISION VI. LANDSCAPING PLANS, INSTALLATION AND MAINTENANCE.

Sec. 1019 Site landscaping plans.

1019 (a) Site landscaping plans; where required.

- (1) Landscaping, buffer and tree conservation plans are required upon application for a development permit or for a building permit for new construction of buildings in any development to which landscaping, screening, buffer or tree conservation requirements apply.
- (2) In cases where approval of the landscaping, buffer and tree conservation plans would cause harmful delay to the start of construction, the Director of Planning & Development may authorize the Building Inspector to issue footing and foundation permits for the project so that construction may proceed.
- (3) Permits for construction beyond the footing and foundation shall not be issued until the landscaping, buffer and tree conservation plans have been submitted and approved.

1019 (b) Site landscaping plans; criteria.

All proposed landscaping as required by this Code in frontage and side landscape strips; for parking lot landscape areas, trees and street-side screening; in land use buffers; and trees to be retained or planted as required by the tree conservation provisions of this Code, shall be illustrated on plans as described in this Subsection. The plans shall accompany any application for a development permit under Lumpkin County regulations, and may be consolidated as one plan if the information can be clearly shown.

- (1) Site landscaping plan.
 - a. Scale at 1 inch = 20 feet to 50 feet, as needed to clearly illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 - b. Caption:
 1. The name of the development and its acreage (or square footage if less than an acre).
 2. Name, address, telephone and fax numbers of the property owner and subdivider or developer.
 3. Name, address, telephone and fax numbers of the applicant.
 4. Name, address, telephone and fax numbers of the individual or company responsible for the design. The name, registration number and seal of the professional under whom the plan was prepared shall be stamped on the plan and signed.
 5. Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.

- d. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 - e. The outline of all existing and proposed buildings and structures.
 - f. The boundaries of all natural buffers, stream greenways and other areas required to remain undisturbed.
 - g. The boundaries of each required landscape strip.
 - h. A planting plan showing the location, size and common name of proposed plant materials.
 - i. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for landscape strips or parking lot landscaping.
- (2) Land use buffer plan.
- A land use buffer plan shall be prepared for any natural or structural land use buffer required in accordance with the specifications and standards contained in this Code under Sec. 1010. The land use buffer plan shall show:
- a. Caption, as required under 1019 (b)(1)b for site landscaping plans.
 - b. The boundaries of each required buffer area.
 - c. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas.
 - d. For each natural buffer, the plan must show:
 - 1. Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with Sec. 1017 of this Code.
 - 2. Proposed supplemental plantings required to maintain the opaque visual screen required.
 - e. For each structural buffer, the plan must show:
 - 1. All grading and construction details for earthen berms, walls and fences that are proposed as part of the visual screen.
 - 2. A planting plan showing the location, size and type of proposed plant materials.
 - 3. The location, size and common name of all existing plant materials to be retained that contribute to meeting the minimum requirements of this Code for land use buffers.
 - 4. Typical cross-sections of the buffer illustrating the improvements proposed and typical location of vegetation. At least one cross-section shall be provided for each land use buffer.
- (3) Tree conservation plan.

The tree conservation plan shall be submitted to the Planning & Development Department prior to any grading, bulldozing, or other removal of existing vegetation that may affect the health of existing tree coverage.

- a. Tree conservation plan; preparation.
 1. The tree conservation plan for any multi-family or nonresidential development shall be related to the site plan for the project. Combination of the tree conservation plan and the site landscaping plan is encouraged.
 2. For subdivisions, the tree conservation plan shall be drawn on a copy of the preliminary subdivision plat, to which the information required by this Subsection will be added.
- b. The tree conservation plan shall include the following basics:
 1. For multi-family or nonresidential development projects, scale at 1 inch = 20 feet to 50 feet, as needed to clearly show illustrate the proposed plantings. Multiple sheets keyed to an index sheet may be used.
 2. Caption, as required under 1019 (b)(1)b for site landscaping plans.
 3. The location and size of all underground or aboveground utilities on the site, including the limits of any public or private utility easements and stormwater detention areas. Off-site easements that may be affected by tree plantings must also be shown.
 4. The location of all existing and proposed parking areas, sidewalks and other paved or impervious surfaces.
 5. The outline of all existing and proposed buildings and structures.
 6. The boundaries of all natural land use buffers, stream greenways and other areas required to remain undisturbed.
 7. The boundaries of each required landscape strip.
- c. The tree conservation plan shall show the following:
 1. The extent of the development site or disturbed area, the gross area of the site, and the net site area to which the tree conservation requirements apply.
 2. Specimen trees:
 - a) Each specimen tree to be removed, including its size in DBH and its common name.
 - b) Each specimen tree that will remain on the development site and be protected during construction, including its size in DBH and its common name; and all other trees or tree stands that are submitted for credit as part of the tree conservation requirement.
 - c) Grade changes or other work adjacent to a specimen tree that would affect it adversely, with drawings or descriptions as to how the grade, drainage, and aeration will be maintained around the tree.

3. Tree plan:

- a) Limits of tree conservation areas, showing existing trees to be retained and new trees to be planted, specifying type and size.
- b) In heavily wooded areas that will not be disturbed, the plan may show only the boundaries of each stand of trees and a list of trees in each stand that are submitted for credit by number and size (or size grouping by 3-inch spreads, such as 7-9 inches).
- c) Calculations showing compliance with the tree unit requirements of Section 1016 (a)(1) of this Chapter.
- d) Planting schedule, if applicable.
- e) Curb stops to prevent vehicle overhang, where required to protect planting areas and vegetation.

4. Irrigation.

- a) The tree conservation plan is to include a note indicating the type of irrigation to be used. If hand watering is the type to be used, the plan must show the location of water faucets or quick couplers that will be used for this purpose.
- b) If an irrigation system is provided, a separate irrigation plan is to be submitted showing the location of lines and heads, the spray radius for each head, all valves (control, shut off, drainage, etc.), timer and rain sensor location. The name and telephone number of a responsible 24-hour emergency contact shall be prominently displayed on the plan.

5. During-construction activities:

- a) Methods to be employed to protect the critical root zones of the trees in the buffer from disturbance during construction, including fencing details, erosion control, signage, etc., consistent with the Protection of Existing Trees Section of the Landscaping, Buffers and Tree Conservation Chapter of this Land Use Code.
- b) Staging areas for parking, materials storage, concrete washout, and debris burn and tub grinding.

6. Additional information.

Additional information that the Planning & Development Director may require to provide a full understanding of conditions on the site and the elements of the proposed tree conservation plan or during-construction activities.

7. Notes.

Each tree conservation plan shall include notes clearly printed on each plan sheet, as shown in Figure **Error! Reference source not found..2**.

1019 (c) **Exemptions from site landscaping plan requirements.**

- (1) The provisions of this section shall not apply to structures for which site landscaping plans have previously been submitted and approved.
- (2) Site landscaping plans shall be required for only that phase of development for which the development permit or building permit is being requested.

Sec. 1020 Plant materials; standards.

1020 (a) **Acceptable plant materials.**

The following are the minimum plant sizes and conditions to be used in satisfying the requirements of this Chapter. Acceptable plant materials for landscaping, buffers and tree replacement shall be as approved by a Georgia registered Landscape Architect or the County.

- (1) New plant materials
 - a. Medium shrubs (those having a mature height of 4 feet or less), 18 x 24 inch balled and burlapped or 2-gallon container.
 - b. Large shrubs (those having a mature height greater than 4 feet), 24 x 30 inch balled and burlapped or 3-gallon container.
 - c. Ground cover, 2½ inch pot.
 - d. Trees as required to meet the requirements of the tree conservation plan.
- (2) The *American Standard for Nursery Stock*, published by the American Association for Nurserymen, may be referred to for the determination of plant standards.
- (3) Existing trees that are to be retained to satisfy the requirements of this Code shall meet the following standards:
 - a. For trees, the size shall be at least 3 inches DBH.

Figure Error! Reference source not found..2: TREE CONSERVATION PLAN NOTES:

All tree protection devices must be installed and inspected prior to clearing, grubbing or grading. Call the Lumpkin County Planning & Development Department for an inspection.

Tree protection shall be vigorously enforced. No activities of any kind are to be allowed within any area shown to be undisturbed on this plan.

The retention and planting of trees as shown on this plan must be verified prior to issuance of a Certificate of Occupancy or acceptance of the project. Call the Lumpkin County Planning & Development Department for an inspection.

Light poles and other permanent structures, except fire hydrants, are prohibited in parking lot islands.

A maintenance inspection of trees will be performed after one full growing season from the date of final construction inspection. Project owners at the time of the maintenance inspection are responsible for compliance with the provisions of this plan and the Lumpkin County Land Use Code.

- b. Trees shall be free from mechanical and natural injuries, insect infestations and disease.
- c. Trees shall be protected from injury to roots, trunks and branches during grading and construction. Protective fencing, tree wells, or retaining walls shall be utilized where necessary to insure tree vigor upon completion of construction.

1020 (b) **Approval of plant materials.**

Approval of a proposal to use a specific landscaping or buffer material shall be subject to a determination by a Georgia registered Landscape Architect or the County that the proposed material is the most appropriate for:

- (1) the specific location, given surrounding land uses and the type of screening used on nearby properties, and
- (2) the specific topography, soil, existing vegetation, and other factors that may influence the effectiveness of a screen material.

Sec. 1021 Installation and maintenance of plant materials.

1021 (a) **Installation of plant materials.**

- (1) Plant materials, as required by the provisions of this Chapter, shall be installed prior to issuance of a Certificate of Occupancy. The County may allow one planting season in a twelve-month period in which the installation of plant materials shall be completed, subject to the performance security requirements, below.
- (2) Buffers, if required, shall be installed before a Certificate of Occupancy is granted; except where the weather is not suitable for planting, and escrow provisions are made in accordance with the requirements of this Section.
- (3) Performance surety.
 - a. In such cases as when planting stock availability is low or weather conditions are not appropriate for planting new trees, the project owner may postpone planting for up to 6 months; provided that performance security is posted with Lumpkin County in accordance with the following criteria:
 - 1. Security shall be in cash and submitted to the County for escrow, with the appropriate documentation or letter of credit.
 - 2. Security shall be provided in an amount equal to 150 percent of the cost of materials, installation and guarantee as demonstrated by a signed contract between the owner and a qualified landscape contractor, and as approved by the County.
 - b. An inspection shall be made by the County of all tree plantings to assure compliance with plan requirements prior to release of the performance security. The performance security will be drawn upon by Lumpkin County at the time of expiration if the planting requirements have not been fulfilled, or if the owner has not requested an extension. One 6-month extension may be permitted with documented justification acceptable to the Director of Transportation & Public Works. Any inspections

performed after the final inspection (for project release) are subject to re-inspection fee schedules.

(4) Maintenance bond.

- a. Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, or prior to release of a performance surety provided under this Section (whichever last occurs), a maintenance bond in a form acceptable to the County is required for all plant materials installed as a result of the requirements of this Chapter. The developer shall be responsible for maintenance of all such plant materials for two years from the date of acceptance of the maintenance bond.
- b. The value of the Maintenance Bond shall be equal to 10 percent of the actual cost of installation of the plant materials. Copies of contractor agreements shall evidence the cost of installation or actual invoices paid, or as otherwise determined by the County.

1021 (b) **Maintenance of required plant materials.**

- (1) The owner, tenant and their agent, if any, shall be jointly and severably responsible for the maintenance in good condition of the plant materials used to meet the minimum requirements of this Chapter for landscaping, buffer or tree conservation. This responsibility is in addition to and survives the release of any maintenance bond provided for the property by the developer. The plant materials shall be kept free from refuse and debris.
- (2) Plants that are diseased, unsurvivably damaged or are dead shall be removed and replaced with a plant of the same species, variety or cultivator, as acceptable to the County.
- (3) Other landscape materials shall be maintained in proper repair and shall be kept clear of refuse and debris.

Chapter 11. Procedures and Permits

Sec. 1101 Land Use Process

1101 (a) As of Right Development

As determined by the Director of Planning & Development, any proposed use that meets all requirements and standards as identified within its character area, village or corridor as applicable and as designated on the Future Land Use Plan Map shall proceed directly to the building permit stage. If a use does not meet all applicable standards, an applicant shall follow the procedures outlined below for:

- (1) Uses requiring a Special Land Use Approval;
- (2) A variance to the character area, village or corridor required standards; or
- (3) A Land Use Plan Map Amendment.

Sec. 1102 Special Land Use Approvals, Variances and Map changes; procedures.

All requests for special land use approval, variances to character area standards or requests for land use plan map amendments shall be processed by the Director of Planning & Development, reviewed by the Planning Commission and approved or denied by the Board of Commissioners. All requests, except those specifically exempted as administrative shall go through the public hearing process as outlined below. Below is an outline of the general procedures and standards. Specific requirements are listed under each individual procedure.

1102 (a) Initiation.

An application may be initiated by the Board of Commissioners, Planning Commission or by the owner of the property. Unless initiated by the Board of Commissioners, the owner of a majority interest in the property affected, or their authorized representative shall initiate all such applications.

1102 (b) Required application.

If the request is initiated by or on behalf of a property owner, an application shall be required.

- (1) An applicant shall submit the required application form as supplied by the Planning & Development Department and a non-refundable fee, if any, as set by the Board of Commissioners from time to time. Completed forms, plus any information the applicant feels to be pertinent is to be filed with the Planning & Development Department. Such application shall include the fee as may be set by the Board of Commissioners from time to time, and a legal description, plot of survey or tax parcel identification number.
- (2) The Planning & Development Department shall review the application for completeness within 5 days of submission. Incomplete or improper applications will be returned to the applicant.
- (3) An application for a special land use approval, a variance or a land use plan map amendment or the same property shall not be considered by the Board of

Commissioners more often than once every 12 months from the date of action by the Board of Commissioners whether approving or denying the application; provided, however, that the Board of Commissioners may approve a reduction in the waiting period to no less than 6 months if it deems such reduction is in the public's interest.

1102 (c) **Public Notice and Hearings.**

Before the Board of Commissioners may take final action on an application the Planning Commission and the Board of Commissioners shall each hold a public hearing on the proposal.

(1) Public notice.

- a. At least 15 days but not more than 45 days prior to each public hearing, notice shall be published in a newspaper of general circulation within the county. The notice, shall state the time, place and purpose of the hearing.
- b. A rezoning initiated by an owner or their representative shall be heard at a public hearing only upon:
 1. The published notice, in addition to the requirements above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property requested; and
 2. At least 15 days prior to the public hearing, the applicant shall post a sign or signs provided by the Planning & Development Department stating the date, time and place for the Planning Commission public hearing and the initially scheduled Board of Commissioners public hearing, the present zoning classification and the nature of the proposed zoning change. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the rezoning has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

Post Signs?
Notification of
neighbors?

The public hearing held by the Planning Commission and the Board of Commissioners for rezoning will be conducted in the following manner:

- c. The Chair or an appointed designee, who will act as the Presiding Official, will convene the public hearing at the scheduled time and place.
- d. The Presiding Official will call for each proposed zoning change to be presented.
- e. No person in attendance is to speak unless first formally recognized by the Presiding Official. Upon rising to speak each person recognized is to state his or her name and home address.
 1. The Presiding Official may place reasonable limits on the number of persons who may speak for or against a proposal, on the time allowed for each speaker, and on the total time allowed for presentation of the proposed zoning change.
 2. No less than 10 minutes is to be provided for all of those speaking in support of a zoning change and no less than 10 minutes is to be pro-

vided for all of those speaking against, unless such proponents or opponents take less time than the minimum allowed.

3. If reasonable time limitations permit, any member of the general public may speak at the public hearing.
 - f. The applicant will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. The applicant may then be allowed time for rebuttal if adequate time remains.
 - g. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. During the public hearing, the members of the Planning Commission or the Board of Commissioners may ask questions at any time. Time devoted to questions and answers will not be counted against any time limitations that have been imposed on presentations.
- (2) Decision.
- a. The Planning Commission shall have 30 days following its public hearing in which to make its recommendation. Failure to make a recommendation shall go forward to the Board of Commissioners as “no comment.”
 - b. Following its public hearing, the Board of Commissioners shall consider the application at the next meeting scheduled for the purpose of considering such matters.
 - c. In considering an application, action shall be considered by vote of the members present.
 1. A motion to approve or deny an application must be approved by an affirmative vote of at least a quorum of the members in order for the motion to be approved.
 2. If a motion to approve an amendment fails, the application is automatically denied. If a motion to deny an amendment fails, another motion would be in order.
 3. A tie vote on a motion for approval of an application shall be deemed a denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 4. If no action is taken on an application, it shall be considered tabled and action deferred to the next regular meeting.
 - d. In taking final action on an amendment, the Board of Commissioners may:
 1. Approve, approve with changes, approve with conditions, or deny the proposal; or,
 2. Table the proposal for consideration at its next scheduled meeting; or
 3. Return the proposed amendment to the Planning Commission for further consideration.

1102 (d) **Standards.**

The Board of Commissioners shall consider the following standards in considering any proposal that would result in a special land use approval, variance to character

area standards or changes to the Future Land Use Map, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal. Additional and specific standards are also listed under each individual procedure.

- (1) Is the proposed request consistent with the purpose and intent of the character area, village or corridor in which it is located or proposed to be located?
- (2) Is the proposed request consistent with the purpose and intent of this Land Use Code as stated under Chapter 1?
- (3) Will the proposed request cause a burden on County infrastructure?
- (4) Is the proposed request compatible with surrounding land uses within the Character Area and adjacent properties?
- (5) Is the proposed request consistent with goals, strategies and policies of the Comprehensive Plan?
- (6) Is the proposed request required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- (7) Does the proposed request reasonably promote the public health, safety, morality or general welfare?

1102 (e) Effect of an application approval.

- (1) Approval of a special land use plan approval, variance to character area standards or changes to the Future Land Use Plan Map shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
- (2) For a property on which a use, building, structure or other improvements existed in conformity with this Land Use Code prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed under the Nonconforming Uses provisions of this Land Use Code.

1102 (f) Temporary suspension of permitting.

Upon initiation or submission of a valid application, no permits shall be issued nor shall any actions be undertaken on the property that may be affected by the outcome of such application.

Sec. 1103 Special Land Use Approval.

Certain land uses, either because of unique characteristics or the potential for adverse land use, require special land use approval. Requirements for a Special Land use Approval include all "intensive industrial" uses and those others that are specifically identified within this code. The following procedure is to be followed to obtain special land use approval by the Board of Commissioners.

1103 (a) Special use concept plan.

- (1) An application for a special use shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Land Use Code.
- (2) The applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities may prepare a concept plan.
- (3) The concept plan shall be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.
- (4) The concept plan shall show the following:
 - a. Character area classification of the subject property and all adjacent properties.
 - b. The notation of any special character area restrictions and compatibility standards.
 - c. Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
 - d. Proposed use of the property.
 - e. The proposed project layout including, lot lines, street right-of-way lines, setbacks, any outdoor storage areas, buffers, parking and driveway area:
- (5) The Concept Plan shall also indicate:
 - a. Name and address of the property owner.
 - b. Name, address, and telephone number of the applicant (if different than the owner).
 - c. If drawn on a boundary survey: date of survey and source of datum,
 - d. Date of plan drawing, and revision dates, as appropriate.
 - e. North point and approximate scale of the drawing
 - f. Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
 - g. A statement as to the source of domestic water supply.

- h. A statement as to the provision for sanitary sewage disposal.
- i. The approximate location of proposed storm water detention facilities.
- j. The approximate location of proposed access to the County road system.
- k. Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(6) Impact Analysis

In addition to the concept plan requirements outlined above the following impact analysis may be required:

- a. An application for a proposed development that is capable of generating 1,000 average daily vehicle trips or more shall be accompanied by a traffic study and a hydrology study, prepared by professional engineers registered in Georgia, under guidelines available from the Transportation & Public Works Department. Anticipated vehicle trips may be based upon the latest edition of *Trip Generation* published by the Institute of Transportation Engineers. The Public Works Director may waive this requirement when conditions warrant.
- b. A traffic study and a hydrology study, prepared by professional engineers registered in Georgia, shall also be required for a proposed modification to a previously approved LUP amendment if the average daily vehicle trips will increase by 10% or more than calculated for the original LUP amendment approval, or average daily vehicle trips will exceed 1,000 for the first time. The Transportation & Public Works Director may waive this requirement when conditions warrant.
- c. For a proposed development that will generate fewer than 1,000 average daily vehicle trips or an increase of less than 10%, a traffic study and a hydrology study, prepared by professional engineers registered in Georgia, may be required by the Public Works Director. Determination of such requirements will be made within 5 working days of receipt of the application for SLUP amendment and must be submitted to the Transportation & Public Works and Planning & Development Directors at least 5 working days prior to the first public hearing.
- d. A traffic study, a hydrology study and other studies of the impact of the proposed development may be required by the Planning Commission or the Board of Commissioners as deemed necessary for adequate consideration and a fully-informed decision on the SLUP amendment request, relative to the standards for LUP amendment consideration contained in Section 1107 (b), below.

1103 (b) **Quarry and Mining Operations.**

The following requirements are specific to any proposed quarry or mining operation in addition to the concept plan required above:

- (1) A site plan containing the following information must be a part of such application:
 - a. Equipment, roads, buildings proposed or existing.
 - b. Points of ingress and egress.

- c. All roads adjacent to the property.
 - d. All existing or proposed buffers.
 - e. Existing lakes, ponds, streams, rivers, or other waterways.
 - f. Parking areas
- (2) An operation plan containing the following must be a part of such application:
- a. Date of commencement of the operation and its expected duration.
 - b. Proposed hours and days of operation.
 - c. The estimated type and volume of extraction. The description of the method of operation, including the disposition of topsoil, overburden and by-products.
 - d. A description of the equipment to be used in the extraction process. The applicant shall provide an estimate of the potential noise and dust levels produced by the use and the placement of such equipment.
- (3) A reclamation and rehabilitation plan, which shall include the following, must be a part of such application:
- a. A detailed procedure for the rehabilitation of all excavated land;
 - b. Detail projections for future use of the land;
 - c. Type of ground cover, backfill and landscaping;
 - d. If applicable, methods for disposing of all equipment, structures, dikes and soil piles;
 - e. A phasing and timing estimate which shall show the progression of the plan of rehabilitation and estimated time of completion.
 - f. Proposed handling and storage areas or overburden, by products and excavated material.
- (4) A copy of all documents submitted or prepared for submission to the Georgia Department of Natural Resources for the purposes of obtaining a state mining permit.
- (5) A statement from the GA DOT that shall identify any state maintained road within or adjacent to the property, and shall state any repaving, alternations, turning lanes or other additions necessary to accommodate the potential increase of traffic volume or weight occasioned by the proposed operations.
- (6) A statement as to the intended use or production of explosives or other hazardous materials and the methods and procedures proposed for the handling, use, storage and disposal of such materials.
- (7) A well impact and soil survey study shall be prepared covering all properties within 1,000 feet of the property.
- (8) A bond calculated on a specific amount per acre for the purposes of insuring proper reclamation may be required at the discretion of the Board of Commissioners.

Sec. 1104 Variances

The following section outlines the procedure for obtaining a variance to the requirements and compatibility standards within a character area.

1104 (a) Types of appeals.

Persons may appeal to the Planning Commission for relief under the following circumstances:

- (1) When aggrieved by an action or an interpretation of the Planning & Development Director or any other administrative official of the County made under this Land Use Code.
- (2) When an exception is desired for a particular property from certain requirements of this Land Use Code, as specified in this Chapter.
- (3) When compliance with the requirements of this Land Use Code would create a particular and unique hardship.

Sec. 1105 Appeals of an administrative decision.

1105 (a) Initiation of administrative appeal.

- (1) Any person aggrieved by a decision may initiate appeals of an administrative action or interpretation to the Planning Commission. Such appeal shall be taken within 30 days of the action or interpretation appealed from, by filing the appeal in writing with the Planning & Development Director. The Planning & Development Director shall transmit a notice of said appeal to the Planning Commission specifying the grounds thereof.
- (2) It is the intention of this Code that all questions arising in connection with the enforcement of this code shall be presented first to the Director of the Planning & Development Department and that such question shall be presented to the Planning Commission only on appeal from the decision of the Planning & Development Director.
 - a. The holder of or applicant for a development permit or a building permit may appeal any of the following actions taken by an administrative official: The suspension, revocation, modification or approval with conditions of a development permit by the Director of Planning & Development Department upon finding that the holder is not in compliance with the approved erosion and sedimentation control plan or other approved plans.
 - b. The determination that the holder is in violation of development permit or building permit conditions.
 - c. The determination that the holder is in violation of any other provision of this Land Use Code.

1105 (b) Action by Board of Adjustment.

The Planning Commission upon appeal of an aggrieved party or at the request of the Planning & Development Director, shall:

- (1) Decide appeals from any order, determination, decision or other interpretation by any person acting under authority of this Land Use Code, where a misinter-

pretation or misapplication of the requirements or other provisions of this Land Use Code is alleged.

- (2) Interpret the use of words or phrases within the context of the intent of this Land Use Code.
- (3) Determine the boundaries of the various character areas where uncertainty exists.
- (4) Interpret such other provisions of this Land Use Code as may require clarification or extension in specific or general cases.

1105 (c) **Decision final.**

A decision of the Planning Commission shall be final and may be appealed only to a court of competent jurisdiction. Such appeal must be taken within 30 days of the decision of the Planning Commission

Sec. 1106 Variances to Character Area Standards.

1106 (a) **General limitations on relief.**

Special Exception Variances shall be limited to relief from the following requirements of this Land Use Code:

- (1) Minimum building setbacks.
- (2) Maximum building height.
- (3) Minimum separation between agricultural and residential uses.
- (4) Public street frontage.
- (5) Buffers and screening.
- (6) Signage, in accordance with a uniform sign plan.
- (7) Minimum or maximum parking requirements.

1106 (b) **Standards for approval.**

A variance may be granted in whole or in part, or with conditions, upon a finding that the relief, if granted:

- (1) Would not cause substantial detriment to the public good; and
- (2) Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- (3) Would not diminish and impair property values within the surrounding neighborhood; and
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of this Land Use Code, provided, however, that no variance may be granted for a use of land or building or structure that is prohibited in a given district by this Code.

1106 (c) **Administrative approval.**

- (1) The Planning Commission shall consider variances unless the variance is approved administratively. Only those variances listed in this Subsection, below,

and within the parameters stated, may be considered for administrative approval.

- (2) The Director of Planning & Development, upon a finding that a variance meets the standards for approval contained in this Section, may administratively approve the variance within and not exceeding the following parameters:
 - a. Minimum building setbacks, not to exceed a reduction in the minimum setback required by 25%.
 - b. Maximum building height, not to exceed an additional 4 feet above the maximum allowed.
 - c. Parking requirements, not to exceed a reduction from the minimum required by 5%, nor an increase in the maximum allowed by 5%.
 - d. A reduction in buffer standards if two adjoining uses are compatible.

Sec. 1107 Land use plan map amendments.

The Comprehensive Plan may be amended from time to time for specific properties on the Future Land Use Plan Map by the Board of Commissioners under the procedures of this Section. Such a change is referred to as a "land use plan map amendment," or LUPM amendment, in this Land Use Code.

1107 (a) Impact analyses.

- (1) If the LUPM amendment has been initiated by an owner or their representative, the application must be accompanied by a written, documented analysis of the proposed LUPM amendment with regard to each of the standards for LUP amendment enumerated under Section 1107 (b).

1107 (b) Standards for land use plan map amendment consideration.

The Planning Commission and the Board of Commissioners shall consider the following in evaluating a LUPM amendment, giving due weight or priority to those factors particularly appropriate to the circumstances of the application:

- (1) The extent to which a change in the economy, land use or development opportunities of the area has occurred.
- (2) The extent to which the proposed designation is in compliance with the goals and policies of the Comprehensive Plan.
- (3) The extent to which the proposed designation would require changes in the provision of public facilities and services.
- (4) The extent to which the proposed designation would impact the public health, safety, and welfare.
- (5) The extent to which additional land area needs to be made available or developed for a specific type of use.
- (6) The extent to which area demographics or projections are not occurring as projected.

1107 (c) **Withdrawal of a land use plan map amendment request.**

Any applicant wishing to withdraw a proposed LUP amendment prior to final action by the Board of Commissioners shall file a written request for withdrawal with the Director of Planning & Development.

- (1) If the request for withdrawal is received prior to the publication of notice for the public hearing, the Director of Planning & Development shall withdraw the application administratively without restriction on the re-filing of a proposed LUP amendment on the property in the future.
- (2) If notice has been published (or is irretrievably set for publication) but the application has not been heard by the Planning Commission, the application shall be withdrawn administratively by the Director of Planning & Development, and an application for a LUP amendment on the property may not be resubmitted for 6 months from the date of withdrawal.
- (3) Should the applicant make any request for withdrawal after the Planning Commission hearing but before the Board of Commissioners hearing, the application shall remain on the Board of Commissioners' public hearing agenda and the withdrawal request shall be considered for approval or denial, with or without prejudice, by the Board of Commissioners.

1107 (d) **State of Georgia oversight.**

(1) Major Amendments

If the Board of Commissioners, at their public hearing, determines that the LUP amendment is a "major amendment" under the State guidelines in that it is justified only because the conditions or policies underlying the Comprehensive Plan have changed significantly so as to alter the basic tenets of the Plan, or that the proposal will significantly affect another political jurisdiction, then no action shall be taken on the amendment until the review process mandated by the State's *Minimum Standards and Procedures for Local Comprehensive Planning* shall have been completed.

Sec. 1108 Text amendments to the land use code.

To be inserted

Sec. 1109 Developments of regional impact.

To be inserted.

Chapter 12. Administration and Enforcement

This Chapter sets out the structure for administering and enforcing this Land Use Code, including the responsibilities and procedures of the various enforcement officers in carrying out enforcement activities.

Sec. 1201 Schedules and fees.

From time to time, the Board of Commissioners may adopt fees for the issuance of permits, the submission of applications, and such other activities and authorizations as regulated by this Land Use Code, and may adopt schedules of dates, times and places as appropriate and necessary to regulate the application, review and hearing processes required by this Land Use Code.

Sec. 1202 Administrative roles.

1202 (a) Planning & development director.

The Planning & Development Director is responsible for the receipt, review and processing of all applications for special land use, appeals, and Future Land Use Plan Map amendments filed with the County. The Planning & Development Director serves as the Secretary to the Planning Commission.

1202 (b) Building inspector.

As the issuing agent for all permits related to the use and occupancy of land and buildings, the Building Inspector is responsible for the proper construction of buildings and structures, the use or occupancy of land and buildings, and continuing conformance to the provisions of this Land Use Code after construction is complete and the property is occupied.

1202 (c) County marshal.

The County Marshal's Office provides support to the primary enforcement officers of the County through investigations and issuance of warnings and citations.

Sec. 1203 Nonconforming Uses

1203 (a) To be inserted

Sec. 1204 Inspection and enforcement.

1204 (a) Enforcement officer.

(1) Representatives of the Planning & Development Department (including the Building Inspector), the County Engineer and the County Marshal's Office shall have the power to conduct such investigations as may reasonably be deemed necessary to assure or compel compliance with the requirements and provisions of this Land Use Code, and for this purpose to enter at reasonable times upon any property for the purpose of investigation and inspection.

- (2) No person shall refuse entry or access to any authorized representative or agent of the County, the Georgia Soil & Water Conservation Commission, the Soil & Water Conservation District, or the Georgia Environmental Protection Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

1204 (b) **Citations.**

Any violation of this Land Use Code may be tried upon a citation issued by the County Marshal or any other authorized representative of the County pursuant to the provisions of this Land Use Code and State law. Without limitation, builders, developers, contractors, property owners, and such other parties responsible for the violation may be cited for violation of any provisions of this Land Use Code.

1204 (c) **Removal of illegal signs.**

The Building Inspector may order the removal of any sign in violation of this Land Use Code by written notice to the permit holder; or if there is no permit holder, then to the owner of the sign; or if the sign owner cannot be found or cannot be determined, then to the sign erector and any party that procured the erection of the sign. If a permit was issued, such notice shall operate to revoke the permit. The removal order shall be issued only after the appropriate party fails to comply within 7 days after the County gives written notice of non-compliance.

(1) Procedure following removal order.

An aggrieved party may appeal the removal order within 10 days from the date that the notice was mailed. Such appeal shall be made to the Board of Commissioners. If the sign is not removed within 30 days after the order of removal (or 30 days after the date any appeal becomes final), the Building Inspector is authorized to remove or cause to be removed the sign and to collect the costs thereof as provided below.

(2) Removal without notice.

- a. The Building Inspector or any other agent of the County having jurisdiction under the circumstances may remove or direct the removal of any sign in violation of this Land Use Code, without giving notice to any party, if:
 1. Said sign is upon the public right-of-way or upon other public property; or
 2. Said sign poses an immediate safety threat to the life or health of any members of the public.
- b. Following such removal, the County may collect the costs as provided in the following section.

(3) Costs of removal.

- a. Removal of any sign found in violation shall be without liability to the County, its officers, agents, and employees. The permit holder shall be primarily responsible for the costs of removal. If there is no permit holder, then the sign owner shall be responsible. If the sign owner cannot be de-

terminated, then the costs of removal shall be the responsibility of the sign erector and any party that procured the erection of the sign.

- b. If payment or arrangement to make payment is not made within 60 days after the receipt of a statement of removal costs, the Building Inspector shall certify the amount thereof for collection to the County Attorney. In the event the removed sign(s) remains unclaimed for more than one year from the date of impound, the sign(s) shall be disposed of in accordance with state law.
- c. Costs of removal shall be charged in accordance with a fee schedule adopted by the Board of Commissioners from time to time, or at the actual cost to the County, whichever is more appropriate to the action taken.

1204 (d) **Referral to county marshal.**

Any violation alleged under this Land Use Code may be referred to the County Marshal's Office for investigation, citation and enforcement.

Sec. 1205 Violation and penalties.

1205 (a) **Violation a misdemeanor.**

Violation of any provision of this Land Use Code, including violation of conditions of approval established in connection with grants of variance, shall constitute a misdemeanor.

1205 (b) **Failure to obtain a development permit for land-disturbing activity.**

If any person commences any land-disturbing activity requiring a development permit as prescribed in this Land Use Code without first obtaining said development permit, the person shall be subject to revocation of his authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the County.

1205 (c) **Civil monetary penalties.**

Any person violating any provision of this Code relating to land disturbing activities, permitting conditions or stop work order shall be liable for a civil penalty or fine not to exceed \$2,500.00 per day, but in no event less than \$300.00. There shall be a minimum penalty of \$300.00 per day for each violation involving the construction of a single-family dwelling by or under contract with the owner for his or her own occupancy; and there shall be a minimum penalty of \$1,000.00 per day for each day for each violation involving land disturbing activities other than as provided above. Each day the violation continues shall constitute a separate offense. Any civil penalties imposed pursuant to this Code shall be payable to the County, shall commence on the date of issuance of any stop work order, cease and desist order or other notice of noncompliance and shall not be affected by the filing of any appeal; however, an appellant may, upon filing an appeal, post an appeal bond with the County in an amount equal to double the cost of any and all corrective work to be determined by the Planning & Development Director; further, any civil penalty imposed pursuant to this Chapter may, at the discretion of the County, be waived or reduced if, in the discretion of the County, the violator has taken sufficient and timely curative and corrective action. No inspections, certifi-

cate of occupancies, building permits or soil erosion permits will be granted to any person who has an outstanding fine for violating this Code. Any person who violates any provisions of this Code, the rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this Code or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Planning & Development Director issued as provided in this Code shall be liable for a civil penalty not to exceed \$2,500.00 per day.

1205 (d) **Alternative penalties.**

Any violation of this Code may also be enforced by a citation or accusation returnable to the County court of competent jurisdiction. Notwithstanding any other provisions of law as to penalties that can be assessed for violations of county laws, the court shall be authorized to impose monetary penalties for such violations in accordance with the maximum penalty provided by State law, but not to exceed \$2,500.00 for each violation. Each day the violation continues shall constitute a separate offense.

1205 (e) **Additional remedies.**

Nothing contained in this section shall prevent the County from taking such other lawful actions as are necessary to prevent or remedy any violation, such as injunction, mandamus or other appropriate action.

Sec. 1206 Liability.

- (1) Neither the approval of a plan under the provisions of this Code, nor the issuance of a permit, nor the compliance with provisions of this Code, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the County for damage to any person or property.
- (2) No provision of this Code shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, as amended, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved under such laws or pollute any waters of the State as defined by said Acts.

Chapter 13. Definitions

Use: The purpose for which land or a building or other structure is designed or arranged, or for which it is occupied. See also “Principal Use” and “Accessory Use or Structure.”

Principal Use: The specific, primary purpose for which land or a building is used.

Accessory Use or Structure: A use or structure that is permitted on a property in conjunction with a principal use. An accessory use is incidental to the principal use and would not normally exist independent of the principal use.

Structure: Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include but are not limited to buildings, driveways, parking lots, walls, fences, signs, and swimming pools.

Building: Any structure having a roof and intended for shelter, housing or enclosure.

Principal Building: A building in which is conducted a principal use.

Heavy Manufacturing Establishments, shall include, but not be limited to:

- Alcohol or alcoholic beverage manufacture, excluding wine or beer.
- Asphalt plants.
- Automobile and truck manufacture
- Brick, clay tile, or concrete products manufacture.
- Chemical manufacture, inorganic manufacture.
- Distillation of bones and glue manufacture.
- Explosive manufacture or storage.
- Fat rendering and fertilizer manufacture.
- Ice manufacturing plants.
- Paper and paper pulp manufacture.
- Petroleum refining.
- Railroad classification and repair yards.
- Smelting of metal ores or drop forge industry.
- Sugar refineries.
- Manufacturing operations not housed within a building.
- Transportation Equipment manufacturing.
- Leather manufacture and processing.
- Fabricated metal manufacture.

Light manufacturing and processing. Manufacturing establishments and operations other than those classified as heavy manufacturing, which are housed within a building and emit no excess or

offensive noise, dust or vibrations beyond the property, which the establishment is located. These uses include, but are not limited to:

- Bottling works for soft drinks and beer.
- Milk processing and bottling.
- Ice cream and frozen desert manufacture.
- Clothing and garment manufacturing.
- Toy manufacturing.
- Die plants.
- Food processing.
- Monument works.